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Sent: Tuesday, December 14, 2021 4:18 PM
To: Dylan Winters <dylan.winters@americanoversight.org>
Cc: Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>; Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Subject: RE: Public Records Law Request (WI-REP-21-1621)

EXTERNAL SENDER

Dylan Winters
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Dear Mr. Winters:

Open records requests are processed through the Assembly Chief Clerk's office for billing purposes only. You submitted an open records request to Representative Brandtjen. The records are being provided in electronic format and, thus, there is no charge for any location or reproduction costs. Accordingly, all records that are responsive to your request are attached to this email.

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State of Wisconsin Enterprise Technical Reference Model

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Technical Reference Model Overview

The State of Wisconsin Enterprise Technical Reference Model (TRM) is a component-driven, technical framework loosely based on the Federal Enterprise Architecture (FEA) TRM. It categorizes the standards and technologies to support and enable the delivery of different services by the State of Wisconsin executive branch agencies. It also provides a foundation to advance the reuse and standardization of technology and service components throughout the technology stack. Aligning State of Wisconsin capital investments to the TRM leverages a common, standardized vocabulary, allowing inter-application discovery, collaboration, and interoperability. Publication of the TRM fulfills some of the responsibilities charged to the Department of Administration (DOA) in Subchapter VII, Chapter 16 of the state statutes and allows the State of Wisconsin to benefit from economies of scale by identifying and reusing the best solutions and technologies to support the business functions, mission, and target architecture of the organization.

Organized in a hierarchy, the TRM categorizes the standards and technologies that collectively support the secure delivery, exchange, and construction of business and application service components that may be used and leveraged in a component-based or service-oriented architecture. The TRM lists the technologies that the State of Wisconsin executive branch agencies currently utilize or have utilized to provide the functionality indicated within the document. Specific details surrounding the usage or implementation of the technologies listed within the TRM should be worked through during the technical architecture review process. The TRM consists of:

Service Areas represent a technical tier supporting the secure construction, exchange, and delivery of service components in the enterprise. The service areas are defined as follows; Private Cloud Compute, Network, Storage, Platform, Security and Mainframe. This hierarchy provides the framework to group standards and technologies that directly support the service area.

Service Categories classify lower levels of technologies and standards with respect to Service Area technology function they serve. In turn, each service category is comprised of one or more service standards.

Each Service Category is reviewed by a Technology Advisory group that makes recommendations to the Decision group. The Technology Advisory group is also responsible for developing the Service Strategy around the Category. These strategies will be referenced as available in the TRM. Additionally, where appropriate Service offering Definitions are referenced within each Category.

Service Standards / Sub-categories (table) define the standards and technologies that support a service category. Service standards identify technology versions down to the point release only. Each current technology is hyperlinked (where possible) to the vendor's page/data sheet that describes the technology in detail.

Within each service standard technologies are broken down into five technical classifications which are defined here:

Current Tactical: technologies that are currently being used / required and should be used when making design and implementation decisions.

Emerging: technologies that include near-term directions and options that need continued monitoring to find applicability within the State IT infrastructure. Included are technologies that are not yet fully production-worthy but are potential candidates for full scale production implementations at some point in the future. Continued market acceptance and adaptation will likely move these solutions toward the strategic technical classification.

Strategic: technologies that are strongly being considered for implementation into the enterprise environment. Managers should look at these when considering future technology implementations.

Transitional: technologies that are in their twilight that should be discouraged from use in new system implementations. This is not to imply that existing systems need be retired or replaced immediately, but that the use of these products and services should not be extended in any future planning and development. These technologies generally are nearing the end of their lifecycle. However, managers of systems utilizing these technologies should begin to consider when they can move away from them and to a strategic technology.

Legacy: technologies that have an identified date associated with their retirement are retired or are no longer supported. These technologies should be discouraged from use within new implementations. Existing systems should be retired or replaced by the agreed upon sunset date.

Distributed Cloud Services

Compute

Description: Hardware devices used to run operating systems and hypervisor.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition: [Dedicated Virtual Hosting](#)

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Private Cloud - IaaS	HyperConverged; Rack Mount Intel "Kaby Lake" & "Cannonlake" Processors	Converged Pods	Rack Mount Intel "Broadwell" & "Skylake" Processors (2 sockets & 512GB-768GB RAM)	Rack Mount Intel "Haswell" & "Ivy Bridge" Processors; Blade Servers	Rack Mount Intel "Sandy Bridge" & "Westmere" Processors
Public/Hybrid Cloud – IaaS	VMware/AWS Integration	Amazon Web Services (AWS)	Microsoft Azure		

Private Cloud – Engineered Systems

Description: Engineered Systems are generally preconfigured solutions that are tuned for specific workloads that combine Server, Networking and Storage

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition: [Dedicated Virtual Hosting](#)

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Engineered Systems	HyperConverged	Converged Pods	Oracle Exalogic ; Exadata ; Exalitics	FlexPod	

Private Cloud - Server Virtualization Platform

Description: Defines the server virtualization platforms

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Data Center IaaS – Private Cloud		VMware 6.5	VMware 6.0; Oracle VM; IBM ZVM	VMware 5.5	VMware 5.0

Operating System

Description: Defines the standards for the software that controls the hardware of a server as well as being responsible for the management of activities and sharing resources on the server.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Windows		Windows Server 2016	Windows Server 2012 R2	Windows Server 2012; 2008 R2	Windows Server 2000; 2003, 2003 R2, 2008
Linux			Suse SLES 11SP4 ; Suse SLES 12 ; Suse SLES 12SP1 ; Oracle 6.7 ; RedHat RHEL 6.7	Ubuntu	
Unix			IBM AIX	HP HPUX	

Cloud Management

Description: Defines the standards for the services that assist in the management of a server environment.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Patch Management		Suse Manager 3	Lumension 8.5; Suse Manager 2.1	WSUS; LANDesk; SCCM	Lumension 8.0, 7.2
AntiVirus / AntiMalware	Host Based AV	Symantec SEP 14.x	Symantec SEP 12.1.5		
Monitoring		VMWare vRealize Operations; AWS; Azure	WUG		
Automation & Orchestration – Private Cloud	Workflow Automation	Orchestration (Public/Private/Hybrid); Scripting; Configuration Management	Scripting		
Charging – Billback – Showback		VMware vRealize Business (ITBM)	EMC vIPR SRM; Cherwell; Scripting; VMware vRealize Operations		

Public/Hybrid Cloud – IaaS & PaaS

Description: Defines the external Cloud infrastructure providers

Technology Advisory Group: DET Converged and Cloud Provisioning Services, DET Architecture Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
IaaS & PaaS	VMware/AWS Integration	Amazon Web Services (AWS)	Microsoft Azure		

Storage

Storage Array Hardware

Description: Defines the standards for server storage across the enterprise network.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Application Storage		"VM-Aware" All Flash SSD Storage (snapshots & encryption)	Fiber Attached Block Storage; "VM-Aware" Hybrid HDD & SSD Storage (snapshots & encryption)		
File Storage		HyperConverged Infrastructure; "VM-Aware" Hybrid HDD & SSD Storage (snapshots & encryption)	NFS and CIFS network attached storage (snapshots)	Fiber attached block storage	

Storage Host Acceleration

Description: Defines the standards for infrastructure and utilities that are used for improving performance in the enterprise storage environment.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Host LUN acceleration				EMC XtremSF accelerator cards / XtremCache software	

Storage Network Hardware

Description: Defines the network devices used for the enterprise storage network.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Fiber Channel Switches			Cisco MDS-9710 ; Brocade 6510B	Cisco Nexus 5596; 5548	

Data Protection

Description: Defines the enterprise standards used for data protection and recovery in the storage environment.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Data Backup	Appliance based backups (with data indexing/search); Cloud integration	Cloud integration	Agent-based backup; Hypervisor snapshots; Storage snapshots	Agent-based backup	
Data Replication	"Pool" based replication; Cloud replication	HyperConverged replication	Block level array based replication; File level array based replication Application based replication		

Cloud Storage

Description: Defines the supported external partners for use in the enterprise environment.

Technology Advisory Group: DET Converged and Cloud Provisioning Services; DET Architecture Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
	Amazon Web Services (AWS); Microsoft Azure		Private Cloud		

Network

Enterprise Network

Description: Defines the infrastructure, standards and utilities for the enterprise network environment.

Technology Advisory Group: DET WAN/LAN Services; DET Network Access Management; DET Data Center Planning and Operations; DET Security Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Protocol	TCP/IP v6	TCP/IP v6	TCP/IP v4		
Switches			Cisco		NetGear
Routers			Cisco		
VPN			Cisco		
Wireless LAN			Cisco	Aruba	
Load Balancers			F5		Cisco
Network Monitoring			Statseeker; WUG; ELSA; Cisco		Solarwinds
IP Address Mgmt (IPAM)			Bluecat	XLS spreadsheet	Solarwinds

DNS

Description: Defines the utilities that assist in the management of the enterprise network environment.

Technology Advisory Group: DET Network Access Management

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
		Bluecat Adonis	Bind		

DHCP

Description: Defines the utilities that assist in the management of the enterprise network environment.

Technology Advisory Group: DET WAN/LAN Services; DET Network Access Management; DET Data Center Planning and Operation

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
			Microsoft		

Platform

Database

Description: Defines the supported databases within the enterprise environment.

Technology Advisory Group: DET Database Team; DET Mainframe

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
SQL Server Database Version			SQL Server 2014, 2016	SQL Server 2008, 2008 R2, 2012	SQL Server 2005
SQL Server Reporting Services (SSRS); SQL Server Integration Services (SSIS); SQL Server Analysis Services (SSAS)			SQL Server 2014, 2016	SQL Server 2008, 2008 R2, 2012	SQL Server 2005
Oracle Database Version	Oracle 12.2.0.1		Oracle 12.1.0.2	Oracle 11gr2, 12.1.0.1	Oracle 10g, 11gr1
DB2 Database Version			DB2 11		

E mail Service

Description: Defines the standards for e mail services and utilities in the enterprise environment.

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
E mail Server		Office 365	Exchange 2013		Exchange 2007
E mail Anti-virus/Anti-spam	Office 365		IronPort 8.5.6		
E mail encryption	Office 365		Cisco Registered Envelope Service		
E mail Retention		Office 365 Preservation Policies	Exchange 2013 Archiving and eDiscovery	Symantec Enterprise Vault; Quest Archive Manager	

Application Hosting

Description: Defines the enterprise standards for applications hosting and other hosting services (i.e. video, fax, list, etc.).

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Middleware		WebSphere 9.0	WebSphere 7.0, 8.5.5; Oracle Fusion Middleware 12c		WebSphere 5.0, 6.1; Oracle WebLogic 11g
Web Search					Ultraseek 5.7.8
Web Analytics			Splunk Enterprise; Tableau 10.1		Urchin 6.5.00
Enterprise eFax	RightFax Cloud SaaS	RightFax 11.0	RightFax 10.6		
Media Presentation			Adobe Connect 9.3.1; Adobe Connect 9.5		
Video Broadcasting					MediaSite 6.1, 7.0
List Services	GovDelivery	Lyris 12.0	Lyris 11.0		
Application Publishing Services		VMware Horizon (Workspace Aggregator)			Citrix Presentation Server 4.5
Enterprise FTP Services			GlobalScape EFT		
SharePoint		SharePoint 2016; SharePoint Online (O365)	SharePoint 2013		
Team Foundation Services		TFS 2015, 2017	TFS 2012		
Enterprise Distributed Batch			MS 2012		
Image Capture & Processing		Kofax Total Agility	Kofax Capture 9		
Enterprise Service Bus			IBM Integration Bus (IIB)	Websphere Enterprise Service Bus	

HTTP Server

Description: Defines the standards for the services that assist in the management of a server environment.

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Web Server		IBM HTTP Server (IHS) 9; MS IIS 10.0	Oracle HTTP Server (OHS) 12c; IBM HTTP Server (IHS) 7, 8.5.5; MS IIS 8.5	MS IIS 7.5	Oracle HTTP Server (OHS) 11; IBM HTTP Server (IHS) 5, 6; MS IIS 6.0

Mobile Device Management

Description: Defines the standards for the services that assist in the management of a server environment.

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
		Microsoft InTune	AirWatch Cloud Services 9.0		

Business Intelligence

Description: Defines the standards for the services that assist in the management of a server environment.

Technology Advisory Group: DET Database Team; DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Advanced Analytics			Tableau 10.1		

Enterprise Content Management Systems

Description: Defines the standards for Content and Document management.

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Distributed Content Management Systems			IBM DCMS; OnBase		

Geographical Information System (GIS)

Description: Defines the standards for the services and technologies that assist in the management of the shared GIS environment.

Technology Advisory Group: DET Application Hosting Team; State GIS Group

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Server				ArcGIS Server 10.2	
				ArcGIS Web Adaptor	
				ArcSDE	
Desktop				ArcInfo Advanced	
				ArcView	
				ArcGIS Publisher	
				Spatial Analyst	

Desktop Virtualization Platform

Description: Defines the desktop virtualization platforms and technologies
Technology Advisory Group: DET Converged and Cloud Provisioning Services
Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management
Service Offering Definition:
Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Private Cloud		VMware Horizon	VMware Horizon	Unidesk; Citrix XenDesktop	
Public/Hybrid Cloud		VMware Horizon Air			

High-Productivity Application Platform as a Service (hpaPaaS)

Description: Defines development and deployment environments for application services focusing on declarative, model-driven design, and one-step deployment.
Technology Advisory Group: DET Innovation Center
Technology Decision Group: Chief Technical Officer; Director – Bureau of Innovation; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management
Service Offering Definition:
Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
hpaPaaS			Salesforce		

Communication Technology

Description: Defines the enterprise standards for Communication Technology services.

Technology Advisory Group: DET Telecom Group; DET Application Hosting Team; DET Data Center Planning & Operations; DET Architecture Team

Technology Decision Group: Chief Technical Officer; DOA Telecom Chief; Director – Bureau of Infrastructure Services; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Voice over IP (VoIP)	Microsoft Skype4B Online (O365)	AT&T Hosted Skype4B service	AT&T UC Voice (Cisco UCM); On Premise Cisco UCM for DCF		Centrex
Automated Call Distribution (ACD)		Genesys	Call Center Anywhere (CCA)		
Unified Communications		AT&T Hosted Skype4B service	Enterprise IMC service (Skype4B On-premise); Microsoft Skype4B Online (O365)		
Web Conferencing		AT&T Hosted Skype4B service	Enterprise IMC service (Skype4B On-premise); Microsoft Skype4B Online (O365)		
Dial-In Audio Conferencing	Dial-in Conferencing for Microsoft Skype4B Online (O365)	Dial-in access number to AT&T Hosted Skype4B service	Dial-in access number to On-premise Skype4B;		AT&T Conferencing
Video Conferencing		AT&T Hosted Skype4B service; BlueJeans	Cisco Telepresence	Polycom	
Video Broadcasting		Skype Meeting Broadcast			MediaSite
Unified Messaging (Voicemail)		Microsoft Exchange Online UM (O365)	Unity B Voicemail		Unity A Voicemail

Security

Identity

Description: Defines the enterprise standards for Identity services.

Technology Advisory Group: DET Security Team; DET Network Access Management

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Internal Identity			MS Active Directory; MS Azure AD		
External Identity	MS Azure B2C; MicroFocus Identity Governor; SailPoint		MS Active Directory; MicroFocus eDirectory		
Internal Identity Management Tools			Tools4Ever; BeyondTrust; Microsoft	RMAD	
External Identity Management Tools			MicroFocus; Microsoft		
Advanced Authentication (Multi-Factor)	Office 365 MFA; Smartcards	Next Generation MFA (Duo)	FOB based (RSA)		

Network Security

Description: Defines the enterprise standards for Network Security services.

Technology Advisory Group: DET Security Team; DET Network Access Management

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Firewalls		Cisco Next Gen	Cisco, Palo Alto		
Web Application Firewall			F5 ASM	Trustwave	
Network Access Control (NAC)			Cisco	Aruba	
URL Web Content Filtering			Zscaler	Websense; Bluecoat; Palo Alto	

Security Tools

Description: Defines the enterprise standards for management of security services.

Technology Advisory Group: DET Security Team

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
DDOS	Appliance based solution		Upstream Provider		
Computer Forensic Analysis			Host Based Toolsets (Encase); Network Based Toolsets		
Intrusion Detection/Prevention			Intrusion Detection Systems (IDS); Intrusion Prevention Systems (IPS)		
Security Log Collection	VM & cloud aware log collection tools		Log Collection Tools		
Security Log/Event Monitoring			Log Monitoring Tools		
Vulnerability Assessment		Security Center Continuous View	Nessus; MSS Tools		
DLP	Office 365 Rights Management		Symantec Data Loss Prevention		
Web Application Security Testing			Various Tools		
Penetration Testing			Various Tools		
Security Awareness Training			Star LMS		
Security Audit / Compliance			Various Tools		

Mainframe

Operating Systems/ Hardware Support

Description: Defines the O/S and utilities necessary for the administration of the mainframe environment.

Technology Advisory Group: DET Mainframe Team

Technology Decision Group: Chief Technical Officer; Director Bureau of Infrastructure; and Director Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
			Change Action v8.03		
	z/OS v2.3	DFSMSdfp v2.5	DFSMSdfp v2.1		
	z/OS v2.3	DFSMSdss v2.5	DFSMSdss v2.1		
	z/OS v2.3	DFSMSsort v2.5	DFSMSsort v2.1		
	z/OS v2.3	DFSMSStvs v2.5	DFSMSStvs v2.1		
	z/OS v2.3	DFSMSShsm v2.5	DFSMSShsm v2.1		
	z/OS v2.3	DFSMSRmm v2.5	DFSMSRmm v2.1		
	z/OS v2.3		EREP V3R5		
	z/OS v2.3		FTP (z/OS v2.1)		
	z/OS v2.3		FTPS Security (z/OS v2.1)		
		GDDM v2.5	GDDM v2.1		
	z/OS v2.3	HCD v2.5	HCD v2.1		
	z/OS v2.3	HLASM v2.5	HLASM v2.1		
	z/OS v2.3	z/OS v2.5	IBM Ported Tools v2.1		
	z/OS v2.3	ICKDSF v2.5	ICKDSF v2.1		
	z/OS v2.3	IPCS v2.5	IPCS v2.1		
	z/OS v2.3	ISPF v2.5	ISPF v2.1		
	z/OS v2.3	JES2 v2.5	JES2 v2.1		
	z/OS v2.3	LE/370 v2.5	Language Environment v2.1		
	MXG V34.34		MXG V31.31		
			OAM v2.1		
	BMC MAINVIEW v16.07		BMC MAINVIEW v15.02B		
			Perl for z/OS V5.22		
	z/OS v2.3		RMF v2.1		
	SAS V9.4		SAS V9.1.3		
	z/OS v2.3		SDSF v2.1		

	z/OS v2.3		SFTP Unix Part (z/OS v2.1)		
	z/OS v2.3		SMP/E V3.R6		
			STK HSC		
	SYNCSort v2.2		SYNCSort v2.1		
	Syncsort: SAS Proc SYNCSort v2.3		Syncsort: SAS Proc SYNCSort v2.3		
	z/OS v2.3	TCP/IP v2.5	TCPIP v2.1		
			ThruPut Manager v7.1		
			TPX v5.3		
			T-REX v7.2		
	z/OS v2.3	TSO/E v2.5	TSO/E v2.1		
	z/OS v2.3	VTAM v2.5	VTAM v2.1		
		XL C/C++ Compiler v2.5	XL C/C++ Compiler v2.1		
	z/OS v2.3	z/OS v2.5	z/OS v2.1		
			z/OS UNIX /USS (z/OS V2.1)		

Operations Support

Description: Defines the tools and utilities for the administration and operation for the mainframe environment. This would include license management, operational reporting, and automation, etc.

Technology Advisory Group: DET Mainframe Team

Technology Decision Group: Chief Technical Officer; Director Bureau of Infrastructure; and Director Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
	CO:Z v4.1		CO:Z v3.6.1		
			AbendAid-DB2		
			AbendAid-IMS		
	Abend-Aid-MVS v12.1		Abend-Aid-MVS v12.03		
			ASG/ESW Center v8.1		
			ASG/ESW DB2 Stored Procs v8.1		
			ASG-Insight v8.1		
			ASG-SmartEdit v8.1		
			ASG-SmartTest v8.1		
	ChangeMan v8.1.2		ChangeMan v8.1.1A		
	Control-M v9.0.02		Control-M v7.0.02		
	Control-O v9.0.02		Control-O v7.0.02		
	Control-R v9.0.02		Control-R v7.0.02		
	Control-D v9.0.02		Control-D v7.0.02		
			ECC: Compuware Shared Svcs v04.00		
			ECC: License Mgmt System v04.00		
	EDGE Portfolio Analyzer v1.07.04		EDGE Portfolio Analyzer v1.07.03		
	FASTPACK: FASTGENR v5.4F		FASTPACK: FASTGENR v5.4E		
	FASTPACK: FASTVSAM v5.4F		FASTPACK: FASTVSAM v5.4E		
	FASTPACK: Member Organizer v5.4F		FASTPACK: Member Organizer v5.4E		
	FASTPACK: PDSFAST v5.4F		FASTPACK: PDSFAST v5.4E		
	FASTPACK: Volume Driver v5.4F		FASTPACK: Volume Driver v5.4E		
	FILE-AID MVS v17.02		FILE-AID MVS v16.03		
			Finalist v8.3.0		

			Infoprint Server z/OS 1.13		
	InfoprtXT E z/OS v1.13		Infoprint XT Extender v1.1		
	Replace by Prt TranF		Infoprint Transforms v2.2	To be retired	
			Listcat Plus MVS v7.3		
			Print Transforms - AFP v1.1		
			Infoprint Font Collection v1.1		
			MailStream Plus v8.2.0		
	MSP: Control Manager v2.7		MSP: Control Manager v1.9		
	MSP: Datamanager v2.7		MSP: Datamanager v1.9		
	MSP: Design Manager v2.7		MSP: Design Manager v1.9		
	MSP: Dictionary Manager v2.7		MSP: Dictionary Manager v1.9		
			PKZIP MVS v15.0		
	Quick Ref v8.1		Quick Ref v8.0		

Mainframe Security

Description: Defines the standards for the security management in the mainframe environment.

Technology Advisory Group: DET Mainframe Team

Technology Decision Group: Chief Technical Officer; Director Bureau of Infrastructure; and Director Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
	RACF v2.1		RACF v1.13		
			z/Lock v2.1		
			z/Secure v2.1		

Application Hosting Tools

Description: Defines the standards for applications running in the mainframe environment.

Technology Advisory Group: DET Mainframe Team

Technology Decision Group: Chief Technical Officer; Director Bureau of Infrastructure; and Director Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
			3270 PC File Transfer		
			AD/CYCLE C/370 v1.2		
			Barcode/OCR		
			Enterprise COBOL v3.4		
	HTTP Server APACHE		HTTP Server v5R3M0		
			Java SDK v1.4.10	Not known if	used
			Java SDK v1.5.7	Used by HOD	HOD v10
			Java SDK v6.0.1	Used by HOD	HOD v11
	JOBSCAN v8.0		JOBSCAN v7.9		
			MFAMVS		
			OGL Overlay Gen Lang. v1.0		
			OS PL/I v2.3		
			OS/VS COBOL v1.2.4		
			PL/I for MVS v1.1.1		

			PPFA (Page Printer Formatting Aid) v1.0		
	PSF v4.5		PSF v4.4		
			VS Fortran v2.6		
			Websphere v5.02		
			Websphere v6		

Database/Data Communications

Description: This defines the database environments on the mainframe and those utilities that are used to manage those databases.

Technology Advisory Group: DET Mainframe Team

Technology Decision Group: Chief Technical Officer; Director Bureau of Infrastructure; and Director Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
		AbendAid/ v12.3	AbendAid/FX-CICS v12.02	v1203 on ITS1	
	Problems Name Changed		GT ASSIST-TS v7.3.0	GT Software Co	
			DADS Plus v4.0		
		Platinum v17.9	Platinum v17.0		
		CDB Utilities v9.3	CDB Utilities v9.3		
	CICS v5.2		CICS v4.1		
			CICS/QSORT v2.6	BMC Product	
	CICS/ HOTPRINT v2.2		CICS/HOTPRINT v2.0	McKinney	Product
			CICS/MESSAGE v5.4	McKinney	Product
			EasyHelp v2.9		
			Assist/TS v7.3.0		
			HFRM (no release info)	Homegrown	PGMs/ Assembler
			z/Services for CICS v6.1		
			ERI/CICS v2.1.0		
			ERI/CICS Lock v2.2		
			DISOSS v3.4	Used by DCF-	KIDS for doc repos.
			Office Vision R3		
			Displaywrite/370 v2.2		
	BMC MAINVIEW v16.07		BMC MAINVIEW v15.02B		

	MQ Series v8.0.5		MQ Series v8.0		
			DB2 v11		
			DB2 Contnt Mgr z/OS v8.5		
			BMC ETA for IMS v3.6	Extended Term	nal Assist/ Plus
			EZTracer v9.1		
			FILE-AID IMS v16.03		
	IMS v15		IMS v13		
			H/P. Pointer Chk v3.1	High Perform.	Pointer Checker
			IMS H/P Unload v1.R2		
	IMS Lib Integr v2.02.0		IMS Lib ltegr v2.01.0		
	Optim v7.2		MOVE for DB2 v7.2	Changed name	
	BMC MAINVIEW/CICS v16.07		BMC MAINVIEW/CICS v15.02B		
	BMC MAINVIEW/IMS v16.07		BMC MAINVIEW/IMS v15.02B		
			QMF v11		
	Connect:Direct for MVS v5.2		Connect:Direct for MVS v5.1.1		
	Connect:Direct Secure Plus v5.2		Connect:Direct Secure Plus v5.1.1		

From: Harry Wait <harrytrex@gmail.com>
Sent: Saturday, June 26, 2021, 10:51 AM
To: Robin.Vos@legis.wisconsin.gov
Cc: Rep.Brandtjen@legis.wisconsin.gov; cd4.chairman@wisgop.info
Subject: 2020 election - Hired detectives by your office
Attachments: Vicky Selkowe - H.O.T. Government records request.docx

Rep. Vos,

As president of **HOT** Government(Honest, Open, Transparent) a public watchdog group, I urge you to focus attention on City of Racine employee Vicky Selkowe.

Upon information and belief, we allege that Vicky Selkowe is a kingpin concerning the "Dirty Five" cities who utilized outside funding for public elections.

I urge you to subpoena Vicky Selkowe's email records concerning her involvement with the 2020 national elections within the State of Wisconsin.

I have attached our public records request filed in March of this year which has not been fulfilled by the City of Racine.

It has now been over 90 days since we filed our request and it is obvious that the city has no intention of providing our requested documents.

We have been made aware of over 68,000 responsive emails concerning this specific public records request.

Please direct your detectives to target Vicky Selkowe's involvement concerning tainted and illegal acts of the 2020 Wisconsin elections.

It is imperative that you secure and analyze Vicky Selkowe's emails for a proper investigation.

Respectfully,

Harry Wait
President, HOT Government
262-770-9796

Case No. 2021CV001231
30952 Petition for Writ of Mandamus

Wisconsin Voters Alliance
and its President Ron Heuer,
E3530 Townline Road
Kewaunee, Wisconsin 54216

H.O.T. Government
and its President Harry Wait
4353 Shianne Street
Union Grove, WI 53182

Janel Brandtjen
Office of Rep. Janel Brandtjen
22nd Assembly District,
Room 12 West
PO Box 8952
Madison, WI 53708-8952

Plaintiffs,

v.

City of Racine
730 Washington Ave
Racine, WI 53403

Hon. Cory Mason
Mayor
City of Racine
730 Washington Ave
Racine, WI 53403

Tara Coolidge
City Clerk
730 Washington Ave
Room 103
Racine, WI 53403

Defendants.

VERIFIED AMENDED PETITION

This is an action seeking to enforce the right to inspect public records pursuant to Wisconsin's Open Records Law, Wisconsin Statutes § 19.31 et seq. Plaintiffs are Wisconsin entities, Wisconsin electors, and a Wisconsin State Representative who have requested public records from Respondents who are City of Racine, Wisconsin employees with the authority and an obligation to produce governmental records.

Complainants' public records requests have not been fully answered or have been denied without cause. These records are subject to timely production under the Wisconsin Open Records Law, and Defendants continue to stall in their production or to outright withhold the requested public records without lawful justification. This Court's intervention and the sanction of an award of attorney fees are therefore required.

PARTIES

1. Plaintiffs are Wisconsin entities, Wisconsin electors, and a Wisconsin State Assembly Member. They are "requesters" as defined in Wisconsin Statutes § 19.32(3) and used in Wisconsin Statutes § 19.31 et seq.
2. Defendants are the City of Racine and two employees of the City of Racine, the mayor and City Clerk, who are "authorities" under Wisconsin Statutes § 19.32.

JURISDICTION & VENUE

3. Jurisdiction and venue are proper under Wisconsin Statutes §§ 801.50(2)(a) and 801.50(3).

FACTUAL ALLEGATIONS

4. In March of 2021, pursuant to the Wisconsin Open Records Law, Wisconsin Statutes § 19.31 et seq., the Plaintiffs made requests for documents to the Defendants.
5. However, Plaintiffs have requested additional public records from Defendants to further prove their allegations and claims, but Defendants have not produced documents in response to those requests.
6. The March 2021 Public Record Requests resulted in the production of some data, and the follow up requests which are the subject of this action were designed to obtain many more documents, including additional texts, social media posts, and emails.
7. Plaintiffs made the following requests which either have resulted in no response, or a very limited response:
 - Representative Janel Brandtjen request March 15, 2021 [**PR2021-053**] (Ex. 3).
 - H.O.T. Government requests March 17, 2021 [Vicky Selkove] [**PR2021-055**] (Ex. 4); March 17, 2021 [Tara Coolidge] [**PR2021-056**] (Ex. 5); and June 14, 2021 [Tara Coolidge] (Ex. 6); and,
 - Wisconsin Voters Alliance request April 29, 2021 [Erick Kaardal to Tara Coolidge] [**PR2021-084**] (Ex. 7).

8. The City of Racine failed to respond to the above Public Records requests and so on July 13, 2021, attorney Erick Kaardal, on behalf of the Wisconsin Voters Alliance, H.O.T. Government, and Wisconsin State Representative Janel Brandtjen, sent a letter to Mr. Scott Letteney, City Attorney for the City of Racine demanding full responses and production. (Ex. 8). Plaintiffs also informed Respondents that the lack of production was “unacceptable,” and that “time is of the essence because of pending matters in the Wisconsin Elections Commission,” including the July 28, 2021 deadline for Plaintiffs’ reply, the purpose of which was to demonstrate Defendants’ illegalities and to defeat Defendant’s motion to dismiss.
9. Defendants responded through the City of Racine City Attorney’s Office on July 15, 2021 (Ex. 9, four months after the date of the Public Records request) regarding **PR2021-055** (H.O.T. request of March 17, 2021 to Vicky Selkove), as amended by Mr. Wait, informing H.O.T.’s representative that the “City will proceed to process your request as revised and respond thereto as soon as practicable and without delay.” Thus to date, five months after the Public Records request, though some documents have been produced, most responsive documents have not been produced on the basis that the number of responsive documents would create an “unreasonable burden.”
10. The City of Racine responded to Erick Kaardal’s April 29, 2021 request [**PR2021-084**] on July 23, 2021 (Ex. 10), nearly three months later, through the response of Racine City Attorney Marisa L. Roubik. Some documents have been produced, but

Requests 1 and 2 which seek the social media posts and text messages “made on funded cell phones by city officials that relate to or reference the following topics” have not been produced:

- “CTCL, Tiana-Epps Johnson, Josh Goldman, Whitney May, NVAHI, Hillary Hall, Michael Spitzer-Rubenstein, Idae42, Center for Civic Design, US Digital Response, The Elections Group, Quick Base, voter registration, ballot counting, ballot transport, reconstruction, election, voter outreach, absentee ballots, cure, curing, grant, claw-back, grant conditions, grant requirements, grant rules.”

11. Defendants responded to Representative Brantjen’s March 15, 2021 request (**PR2021-053**) on July 16, 2021 (Ex. 11), more than four months after it was served. The City of Racine has only made a partial production under this request.
12. Defendants responded to Mr. Wait’s H.O.T. request (**PR2-21-056**) on July 16, 2021 (Ex. 12) stating that there were over 41,000 emails that were responsive, but the City of Racine has not produced them. Thus, now five months after the Public Records request, many responsive documents have not been produced.
13. Defendants responded on August 6, 2021 (Ex. 13) to Harry Wait’s request dated April 8, 2021, responding to 3 of the requests stating the City needed “additional time.” These Public Records requests specifically asked for documents directly

related to the five actions, and Defendants have apparently stonewalled the production of those records.

- Mr. Wait’s requests included: “All communications containing CTCL, National Vote at Home Institute Center for Tech and Civic Life, Wisconsin Safe voting plan, Ideas42, Michelle Nelson, Tiana Epps Johnson, John McLaughlin, Kris Teske, John Antaramian, Maribeth Witzel-Behl, S. Claire Woodall-Vogg, Kathleen Fischer, Whitney May, Hillary Hall, Michael Spitzer-Rubenstein, Tara Coolidge, Vicky Selkove, Regi Bachochin, Fabi Maldonado, Jody Spencer, Nick Demske, Melissa Kaprelian-Becker, Robin Vos, Van Wanggaard, Robert Wittke, Cory Mason, Scott Letteney, Marisa Roubik.

14. Defendants produced a blank version of a document entitled “Wisconsin Municipal Election Data & Needs” form, and only upon several follow up requests did completed forms get produced. However, the texts, emails and social media posts pertaining to those, the creation of the Wisconsin Safe Voting Plan, and numerous other responsive documents have not been produced, pursuant to the original requests months ago, or pursuant to Mr. Kaardal’s numerous request letters.
15. Upon information and belief, the Defendants are refusing to produce the responsive documents in order to run out the clock on the Wisconsin Elections Commission case, and to withhold documents that are clearly relevant and which likely will provide support for Plaintiffs’ claims

**Claim: Violation of Wisconsin Public Records Act Law,
Wisconsin Statutes § 19.31 et seq.**

16. Plaintiffs incorporate herein all allegations set forth in the preceding paragraphs.
17. The Wisconsin Open Records Law declares a strong public interest in favor of disclosure: “it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government” Wis. Stat. § 19.31. The law “shall be construed in every instance with a presumption of complete public access” Id.
18. Under Wis. Stat. § 19.35, “any requester has a right to inspect any record” and “to make or receive a copy of a record.”
19. Once it has received a request, an authority must respond “as soon as practicable and without delay” pursuant to Wis. Stat. § 19.35(4)(a).
20. Case law makes clear that the public records law is designed to make existing records available to the public unless withholding such documents is specifically authorized by law. *Journal Times v. Police & Fire Com'rs Bd.*, 866 N.W.2d 563, 362 Wis.2d 577 (2015).
21. Absent a clear statutory exception, a limitation under the common law, or an overriding public interest in keeping a public record confidential, the Open Records Law shall be construed in every instance with a presumption of complete public access. *Hagen v. Board of Regents of University of Wisconsin System*, 916 N.W.2d 198, 200, 383 Wis.2d 567 (Wis. Ct. App. 2018).

22. The Open Records Law serves one of the basic tenets of state's democratic system by providing an opportunity for public oversight of the workings of government. *Voces De La Frontera, Inc. v. Clarke*, 891 N.W.2d 803, 808, 373 Wis.2d 348 (2017).
23. The court interprets the text of the Open Records Law in light of the Declaration of Policy, which is to foster transparent government, *Milwaukee Journal Sentinel v. City of Milwaukee*, 815 N.W.2d 367, 375, 341 Wis.2d 607 (2012), and to enable the citizenry to monitor and evaluate the performance of public officials and employees. *Journal/Sentinel, Inc. v. School Bd. of School Dist. of Shorewood*, 521 N.W.2d 165, 172, 186 Wis.2d 443 (Wis. Ct. App. 1994), review denied 525 N.W.2d 733.
24. Even if there is an objection to part of a record requested, the non-objectionable part must be produced: “any portion of that record which contains public information is open to public inspection as provided in sub. (6).” Wis. Stat. § 19.36(1).
25. Denial of public access to public records is contrary to public interest and is to be allowed only in exceptional case and exceptions to general rule of disclosure must be narrowly construed. *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 373 N.W.2d 459, 461, 125 Wis.2d 480 (Wis. Ct. App. 1985).
26. Requests for records under the open records law does not require a request to contain any “magic words.” *WIREData, Inc. v. Village of Sussex*, 729 N.W.2d 757, 764, 298 Wis.2d 743 (Wis. Ct. App. 2007), review granted 737 N.W.2d 431, 302 Wis.2d 104, affirmed in part, reversed in part 751 N.W.2d 736, 310 Wis.2d 397 (2008).

27. As set forth in the Facts section, Plaintiffs made Public Records requests to the Defendants which either have resulted in no response, or a very limited response.
28. No response was made, which resulted in counsel for the Plaintiffs making a letter request on July 13, 2021 for full responses and production. Plaintiffs also informed Respondents that the lack of production was “unacceptable,” and that “time is of the essence because of pending matters in the Wisconsin Elections Commission,” including the July 28, 2021 deadline for Plaintiffs’ reply, the purpose of which was to demonstrate Defendants’ illegalities and to defeat Defendant’s motion to dismiss.
29. Defendants finally responded to Plaintiff’s request of April 29, 2021 through a letter from the Racine City Attorney Marisa L. Roubik’s response on July 23, 2021.
30. Upon information and belief, Defendants are refusing to produce the responsive documents in order to run out the clock on the case, and to withhold documents that are clearly relevant and which likely will provide support for Plaintiffs’ claims.
31. Defendants’ response through the City of Racine City Attorney’s Office on July 15, 2021 informing Plaintiffs that the “City will proceed to process your request as revised and respond thereto as soon as practicable and without delay,” has still not resulted in the production of any documents.
32. Under *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 125 Wis. 2d 480 (Wis. Ct. App. 1985), an authority that denies a request must offer specific public policy reasons for

the denial. Defendants have violated the Wisconsin Open Records Law because it delayed granting access to the requested records without a valid reason.

33. Under *Milwaukee Journal Sentinel v. City of Milwaukee*, 341 Wis.2d 607 (2012), authorities cannot charge for redaction or separation fees. Wis. Stat. § 19.35(3) allows charges for only: “reproduction and transcription,” “photographing and photographic processing,” “locating,” and “mailing or shipping.” Defendants may exceed the scope of the statute by attempting to charge for redaction and separation.
34. The Defendants’ actions have caused and will continue to cause injury to Plaintiffs; its actions also continue to deprive the public of its rights under the Wisconsin Open Records Law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs request a writ of mandamus pursuant to Wis. Stat. § 19.31 et seq.:

1. Compelling Defendants to produce the requested records for the Plaintiffs without further delay, pursuant to Wis. Stat. § 19.37(1)(a);
2. Awarding Plaintiffs their reasonable attorney’s fees, actual costs and damages of not less than \$100, pursuant to Wis. Stat. § 19.37(2);
3. Finding Defendants acted arbitrarily and capriciously in denying the request and failing to respond to the request and awards Plaintiffs punitive damages, pursuant to Wis. Stat. § 19.37(3); and

4. Awarding such other relief as the Court deems just and equitable.

DATED this _____ day of October, 2021.

Respectfully submitted,

Erick G. Kaardal, No. 1035141
Mohrman, Kaardal & Erickson, P.A.
Special Counsel for Thomas More Society
150 South Fifth Street, Suite 3100
Minneapolis, MN 55402
Telephone: (612) 341-1074
Facsimile: (612) 341-1076
Email: kaardal@mklaw.com
Attorneys for the Complainants

Case No. 2021CV001231
30952 Petition for Writ of Mandamus

Wisconsin Voters Alliance
and its President Ron Heuer,
E3530 Townline Road
Kewaunee, Wisconsin 54216

H.O.T. Government
and its President Harry Wait
4353 Shianne Street
Union Grove, WI 53182

Janel Brandtjen
Office of Rep. Janel Brandtjen
22nd Assembly District,
Room 12 West
PO Box 8952
Madison, WI 53708-8952

Plaintiffs,

v.

City of Racine
730 Washington Ave
Racine, WI 53403

Hon. Cory Mason
Mayor
City of Racine
730 Washington Ave
Racine, WI 53403

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PARTIES

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2. Defendants are the City of Racine and two employees of the City of Racine, the mayor and City Clerk, who are "authorities" under Wisconsin Statutes § 19.32.

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3. Jurisdiction and venue are proper under Wisconsin Statutes §§ 801.50(2)(a) and 801.50(3).

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23. The court interprets the text of the Open Records Law in light of the Declaration of Policy, which is to foster transparent government, *Milwaukee Journal Sentinel v. City of Milwaukee*, 815 N.W.2d 367, 375, 341 Wis.2d 607 (2012), and to enable the citizenry to monitor and evaluate the performance of public officials and employees. *Journal/Sentinel, Inc. v. School Bd. of School Dist. of Shorewood*, 521 N.W.2d 165, 172, 186 Wis.2d 443 (Wis. Ct. App. 1994), review denied 525 N.W.2d 733.
24. Even if there is an objection to part of a record requested, the non-objectionable part must be produced: “any portion of that record which contains public information is open to public inspection as provided in sub. (6).” Wis. Stat. § 19.36(1).
25. Denial of public access to public records is contrary to public interest and is to be allowed only in exceptional case and exceptions to general rule of disclosure must be narrowly construed. *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 373 N.W.2d 459, 461, 125 Wis.2d 480 (Wis. Ct. App. 1985).
26. Requests for records under the open records law does not require a request to contain any “magic words.” *WIREData, Inc. v. Village of Sussex*, 729 N.W.2d 757, 764, 298 Wis.2d 743 (Wis. Ct. App. 2007), review granted 737 N.W.2d 431, 302 Wis.2d 104, affirmed in part, reversed in part 751 N.W.2d 736, 310 Wis.2d 397 (2008).

27. As set forth in the Facts section, Plaintiffs made Public Records requests to the Defendants which either have resulted in no response, or a very limited response.
28. No response was made, which resulted in counsel for the Plaintiffs making a letter request on July 13, 2021 for full responses and production. Plaintiffs also informed Respondents that the lack of production was “unacceptable,” and that “time is of the essence because of pending matters in the Wisconsin Elections Commission,” including the July 28, 2021 deadline for Plaintiffs’ reply, the purpose of which was to demonstrate Defendants’ illegalities and to defeat Defendant’s motion to dismiss.
29. Defendants finally responded to Plaintiff’s request of April 29, 2021 through a letter from the Racine City Attorney Marisa L. Roubik’s response on July 23, 2021.
30. Upon information and belief, Defendants are refusing to produce the responsive documents in order to run out the clock on the case, and to withhold documents that are clearly relevant and which likely will provide support for Plaintiffs’ claims.
31. Defendants’ response through the City of Racine City Attorney’s Office on July 15, 2021 informing Plaintiffs that the “City will proceed to process your request as revised and respond thereto as soon as practicable and without delay,” has still not resulted in the production of any documents.
32. Under *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 125 Wis. 2d 480 (Wis. Ct. App. 1985), an authority that denies a request must offer specific public policy reasons for

the denial. Defendants have violated the Wisconsin Open Records Law because it delayed granting access to the requested records without a valid reason.

33. Under *Milwaukee Journal Sentinel v. City of Milwaukee*, 341 Wis.2d 607 (2012), authorities cannot charge for redaction or separation fees. Wis. Stat. § 19.35(3) allows charges for only: “reproduction and transcription,” “photographing and photographic processing,” “locating,” and “mailing or shipping.” Defendants may exceed the scope of the statute by attempting to charge for redaction and separation.
34. The Defendants’ actions have caused and will continue to cause injury to Plaintiffs; its actions also continue to deprive the public of its rights under the Wisconsin Open Records Law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs request a writ of mandamus pursuant to Wis. Stat. § 19.31 et seq.:

1. Compelling Defendants to produce the requested records for the Plaintiffs without further delay, pursuant to Wis. Stat. § 19.37(1)(a);
2. Awarding Plaintiffs their reasonable attorney’s fees, actual costs and damages of not less than \$100, pursuant to Wis. Stat. § 19.37(2);
3. Finding Defendants acted arbitrarily and capriciously in denying the request and failing to respond to the request and awards Plaintiffs punitive damages, pursuant to Wis. Stat. § 19.37(3); and

4. Awarding such other relief as the Court deems just and equitable.

DATED this _____ day of October, 2021.

Respectfully submitted,

Erick G. Kaardal, No. 1035141
Mohrman, Kaardal & Erickson, P.A.
Special Counsel for Thomas More Society
150 South Fifth Street, Suite 3100
Minneapolis, MN 55402
Telephone: (612) 341-1074
Facsimile: (612) 341-1076
Email: kaardal@mklaw.com
Attorneys for the Complainants

From: Erick Kaardal <kaardal@mklaw.com>
Sent: Wednesday, November 10, 2021, 1:16 PM
To: "janel@brandtjen.com" <janel@brandtjen.com>; "Duesterbeck, Melodie"
<Melodie.Duesterbeck@legis.wisconsin.gov>
Subject: Email 1
Attachments: FICCommitteeMemo512018EMSCC.pdf; wisconsins election commission
presentation for 2018 CTFO.pdf

“Active directory” is an industry standard microsoft technology and by default it will log everything that happens - users added, deleted, etc. - but you have to get your hands on the log files, which is why backups from the election time period (6 months before, 6 months after) will be key to get your hands on, if indeed that is their "source of truth" for who has access to wisvote.

From: Erick Kaardal <kaardal@mklaw.com>
Sent: Wednesday, November 10, 2021, 1:16 PM
To: "janel@brandtjen.com" <janel@brandtjen.com>; "Duesterbeck, Melodie" <Melodie.Duesterbeck@legis.wisconsin.gov>
Subject: Email 2

Subject: job in wi det for microsoft active directory administrator

<http://www.jobsinhand.com/React-Java-/Jobs-in-FL-JunoBeach/Developer/Microsoft-Active-Directory-LDAP-DFS/Jobs-in-WI-Madison/Administrator/67230.htm>

From: Erick Kaardal <kaardal@mklaw.com>
Sent: Wednesday, November 10, 2021, 1:18 PM
To: "janel@brandtjen.com" <janel@brandtjen.com>; "Duesterbeck, Melodie" <Melodie.Duesterbeck@legis.wisconsin.gov>
Subject: Email 3
Attachments: wisconsins election commission presentation for 2018 CTFO.pdf; FICCommitteeMemo512018EMSCC.pdf; 2018 det Technical Reference Model.pdf; WEC_DET Security Technology Discovery Approach.docx

Dear Janel:

Please see attached a 2018 review of the complete set of technologies DET has in production, which is pretty helpful. It means a forensic IT specialist would know what is "possible" for them to produce in terms of reports and log files, since he'll know what IT products they are using. Here's the cover:

State of Wisconsin Enterprise Technical Reference Model

Version: 115
Released Date: July 2017
Valid Through: June 2018

I went through this document, and then just wrote some explanations (see attached word doc WEC DET Security Technology Discovery)- of what some of these products do - for example, the state has products that enable sending information outside of their network like enterprise faxing products (Kofax, rightfax), and filesharing products (sharepoint, ftp server). I also tried to explain how some of these products could contain logs or generate reports (and may have generated reports that are backed up somewhere in some of the backup products that the

state uses, which are described in this document) that may be of interest to you as you explore possible information security violations.

I still think the information in the Microsoft Active Directory and Active Directory Federated Service is going to be key, as that technology works in conjunction with the FIDO hardware keys to enable MFA for WISvote. Looking at who was accessing it and when - and comparing those time date stamps with the time date stamps in some of the emails will be interesting, as well as looking at the logs/reports from the Symantec Data Loss Prevention Tool and the Office 365 Rights Management tool.

Hope it helps!

KL

To: Outagamie County Finance Committee

From: Lori O'Bright, Outagamie County Clerk

Date: April 30, 2018

Re: County Clerk Update –Election Management System Project, Special Elections–
Senate District 1, County Clerk staffing/transition, Election Equipment
Programming COOP Planning

Thank you for the opportunity to update you on the new Election Management System (Election Equipment) Project, Special Elections for Senate District 1, County Clerk staffing/transition, and Election Equipment Programming COOP (Continuity of Operations Plan) Planning. Following is background for each item on the agenda. At your meeting, I will be available to answer questions.

Election Equipment Project Update

- Elections Systems & Software was the selected vendor through procurement in 2017.
- After working with municipalities, the following equipment was purchased:
 - Optical Scanner Tabulators – DS200s – 72 (reads optical scan and ExpressVote ballots (PDFs every ballot image); tabulates results; after election is closed, the DS200 *with* modem, modems unofficial returns to county)
 - Modems for Optical Scanners – 69 – Village of Harrison, Calumet County, did not procure modems as their results are transmitted to Calumet County non-electronically as the county clerk does not have software to receive results via modem.
 - ADA Equipment – ExpressVotes – 76
 - Note: Two DS200s with modems and two ExpressVotes are county-owned and must be county maintained as required by the intergovernmental agreements with municipalities.
 - The county-owned equipment is utilized as: municipal backup on Election Day, during programming to test/verify programming, and during training.
 - Ancillary equipment/supplies - thumb drives, cases
 - Software – ElectionWare - \$37,645 (first year programming costs for a 4-election year cycle would normally be approximately \$100,000 – county costs).
 - Services – Project management, equipment operations training, software training, election on-site support (municipal/county cost share) – Election on-site support will not be procured for special elections May/June.
- Municipal/county agreements:
 - All municipalities within the county agreed to the following (except C. of New London (Dominion equipment and V. of Wrightstown – Brown County procured).
 - Intergovernmental Agreements (IGA) - The initial agreements provided for procurement specifications. Four municipalities assisted with procurement.
 - Once procurement was completed, an addendum was provided each municipality and signed, which detailed payments and cost responsibilities going forward with maintenance.

- The addendum provided a copy of the ES&S contract. Future upgrades were not addressed completely (note modem requirements for Verizon change below).
- The Village of Harrison (mostly in Calumet County) piggybacked on the county’s procurement. The ES&S contract allowed Outagamie County to program for non-county wards including the City of Appleton, Winnebago & Calumet Counties, and Village of Harrison, Calumet County.
- **Modem Information/Election Night**
 - Cellular service - As the county must receive/report returns within two hours of receipt from municipalities, the county assumed responsible for modem costs (cellular service).
 - The Planning Dept. cannot support posting maps of election night results with the new system. Therefore, their labor is no longer utilized for election night reporting (pre-election labor savings).
 - Cellular service must be activated monthly (including back-up equipment – all 69 units), unless there are no election services required. Verizon has changed to not allow de-activation after 2019. County Clerk is de-activating modems in 2018 as able.
 - Verizon Change/Hardware Upgrade – Verizon has announced that they will no longer support 3G modems. Because of their service change, all 3G modems must be activated by June 30 or they will not be supported going forward.
 - ES&S reports they are working through federal certification for 4G modems. There will be upgrade modem requirements and the EMS software system will need to be upgraded (ES&S provided information 4/20/2018).

Senate District 1 - Special Election

After judicial order, Governor Walker certified a special election for the 1st Senate District, which covers a portion of Outagamie (and Calumet County – our office programs for all of Appleton & the Village of Harrison). Follows are the reporting units:

OUTAGAMIE COUNTY 1ST SENATE DISTRICT SPECIAL PARTISAN ELECTION - REPORTING UNITS									
Tuesday, May 15, 2018									
Total No. Reporting Units: 8			Reporting Units with No Voters: 1						
Units Rptg.			Units Rptg.			Units Rptg.			Units Rptg.
TOWNS:			TOWNS (cont.):			CITIES:			
Buchanan -	W 1-10		VILLAGES:			Appleton -	W 59		
			Combined Locks -	W 1-6		Kaukauna -	W 12 & 13		
			Harrison -	W 1 & 2					
			Kimberly -	W 1-9					
			Little Chute -	W 3, 7, 9, 10 and 11					
			Wrightstown -	W 4					

- Indicates No Voters in Reporting Unit**
- No Voters in:
- T. Buchanan, Ward 10
 - Village of Harrison, Wards 1 & 2
 - Village of Kimberly, Ward 9

Calumet County Wards:
 City of Appleton 12-14, 26, 44-47
 Village of Harrison 3-18
 Appleton W 47=no voters

Following is the estimated costs for the 1st Senate District elections:

Estimated Costs for Special Elections-2018 - Senate District 1 - Outagamie County			
Item	Estimated Cost - Primary	Estimated Cost - General	Service Provided
Ballots & Programming (Wrightstown W-4)	\$50	\$50	Brown County Clerk
Ballots for County Assembly 3	1,329	2,661	Outagamie County
Election Notices (Primary - Type A, B&D) General type B&D)	1,250	1,000	Outagamie County Clerk
Election Night Coverage to Post Unofficial Returns	150	150	Outagamie County Clerk
Election Board of Canvass 1.5 days for each + mileage for BOC members	300	300	Outagamie County
County Clerk Labor – Canvass & notice preparation, ballot preparation & proofing, equipment programming	1,275	1,150	Outagamie County Clerk
Estimated Municipal Costs (All municipalities) - costs include absentee balloting, municipal labor, Type E notice	7,100	7,100	Municipalities
Total Estimated Costs	\$11,454	\$12,411	
Total Estimated Costs (County & Municipal) – primary & general special elections		\$23,865	
County Portion:	\$4,354	\$5,311	
Total Estimated Costs (County only)		\$9,665	

Municipalities are responsible for absentee processing, Type D & E notices, polling place staffing, and municipal canvassing costs.

Counties are responsible for programming equipment, ballots, the Type A & B notices, election night reporting, and canvassing costs.

The County Clerk’s office will realize some revenue from the special elections from Calumet County, City of Appleton, and Village of Harrison for their programming and ballot costs. Charges for programming will be assessed based upon actual labor utilized. Ballots costs will be fully reimbursed non-Outagamie County ballots.

Staffing Transitions – Purchase Services Temporary Help; Statutory Duties/Backlog

As previously reported to you, the County Clerk’s Office is going through a tremendous amount of change with implementation of the approximately \$660,000 Election Management System (EMS), bringing in-house election equipment programming (normally a vendor would be paid \$100,000+ for that programming in a four-election year cycle), and training two new staff (Deputy County Clerk-Programmer started mid-December and the PT Deputy Clerk Assistant started January). Training continues and is ongoing. PT staff training is particularly slow as the person is not exposed continually to their duties.

To assist with the transition, contract staff was utilized while staff training occurs. Contract staff assisted with duties that included distribution of election equipment to municipalities, distribution of election supply ordering (some of which still has not been completed as of the date of the drafting of this memo),

dog licensing receipting, and chipping away at the 2.5 year backlog for Book of Proceedings (last book printed was 2014-15).

Duties that remain include (but are not limited to) the following: transition municipal treasurers and other users to the new Transcendent Pet Licensing software program, printing the 2018-19 Public Officials Directory (brand new for all staff, except County Clerk), invoice municipalities (and Calumet/Winnebago Counties) for programming and supplies (larger supplies than ever experienced due to the new EMS), receipting ballot access documents for the fall Partisan elections, transition another new staff person while handling a special election the weeks of June 11-June 16, distribute to cemeteries care of veterans graves documents, continued training newer staff members, distribute remaining EMS supplies to municipalities, invoice for the special elections, begin 2019 budget preparation, address election security issues being addressed by the state and federal governments (possible audits), manage public transition for marriage licensing with the new building changes, handle open records requests (received first one for the PDFs of ballots; anticipate many more of those requests), and continue completion of the Book of Proceeding backlog.

Our office requested, from administration, continuation of the 10/hour week contract staff for another six weeks while another new staff member transitions, ensuring County Board functions are completed, special elections are handled, and other necessary duties are completed while the busy marriage license season really kicks off. Contract staffing is more cost-effective and provides opportunity for remaining staff to train without interruption.

The administration presented the possibility that another office could take over office duties (as available). However, that office is not constitutionally authorized to conduct county clerk duties and does not have sworn deputies. Since that was presented to this office, a request was made of Corporation Counsel to research statutory duties of this office according to the Wisconsin Statutes. Wis. Stat. 59.23 was revised in 2014 to centralize the duties and conform them in county clerk offices throughout the state. Our office will continue to conduct duties as required in Wis. Stat. 59.23 (appended) and other statutory requirements.

Election Equipment Programming – COOP Planning

The federal government has now designated elections as critical infrastructure. As part of that mandate, Wisconsin is receiving federal funds to update security. County and municipal governments will need to follow protocols and consider their individual requirements. Following is recent information regarding Wisconsin's actions.

The Wisconsin Elections Commission held a special meeting on April 18 to discuss plans to spend nearly \$7 million in federal 2018 Help America Vote Act (HAVA) Election Security Fund grants. The Commission plans to address immediate election security needs. In addition, the State is making plans to seek input from key election security partners such as Homeland Security, the Division of Enterprise Technology, local election officials, and the public on how the majority of the HAVA funds should be spent.

Staff recommendations to WEC included:

- **Multi Factor Authentication (MFA) within Wisvote.** All County Clerk staff (except contract) utilize Wisvote.
- **Additional IT Contractors** - WEC recommended hiring additional IT (two staff) contract development staff to implement elections security best practices and measures. One of the

recommended positions would focus on technical implementation of security measures, like MFA. The other position would focus on quality assurance and IT architecture

- ***Additional Server and Database Environments*** – WEC IT applications are hosted on servers housed at the state Division of Enterprise Technology (DET). Designating an application as critical means that DET architects the server structure for that application in a way that enhances back-ups and redundancies and ensures the function of the application can be restored and recovered quickly in the event of a cyber event or emergency. WEC staff is in the process of exploring the DET hosting tiers and identifying costs associated with moving WisVote and related applications to the highest tier available. After preliminary discussions, WEC staff does not believe moving elections applications to a higher tier will represent a one-time cost of more than \$100,000. However, moving to a higher tier will represent a higher monthly cost to the WEC for DET hosting services. WEC staff will report to the Commission any additional services purchased through DET to accomplish these upgrades.
- ***Additional Security Training for Clerks*** – WEC staff continues to develop in-house, interactive training tutorials for municipal clerks on election and cyber security topics. These trainings will be incorporated into the WisVote learning center and will be required for new users prior to gaining access to the system. However, additional training opportunities for municipal and county clerks is also available through federal partners. WEC staff would like to explore purchasing additional training from federal partners, such as the Center for Internet Security (MS-ISAC/DHS affiliate) that can then be made available to municipal and county clerks.
- ***Applications Management Software*** - WEC staff is exploring options to purchase database behavioral analysis and user activity logging software. These tools will help to establish baseline activity in the WisVote system and related applications and will automate processes to flag unusual activity. There are a number of software applications available either publicly or through the state enterprise that can accomplish these tasks. WEC staff is currently working with DET and other elections security partners to determine the best software solutions to meet agency needs.

County Level Continuity of Operations Plan–Election Security Issues

The County Clerk has addressed many security issues, but various items are in process of completion and the office will continue to implement federal/state recommendations.

- ***Backup Thumb Drives*** – Part of the EMS contingency funds were utilized to purchase a backup set of thumb drives. Brown County had procured an additional set, and after discussing with administration, Outagamie County purchased a back-up set for programming requirements. These thumb drives will be of particular assistance with special elections that are occurring and will assist with COOP.
- ***County Clerk Staff & Municipal Clerk Training*** – County Clerk staff will comply with all security measures being implemented by WEC. In addition, the County Clerk is becoming a train-the-trainer for municipal clerks/election inspectors (May 31 – Madison training). On June 6, Lori will be a facilitator at an Appleton regional training being planned by WEC.
- ***Equipment Programming Back-Up*** – In discussing redundancy of the county’s system with the EMS vendor, ES&S recommended several items. Back-up of election programming is being stored off-site. An additional item recommended is that a laptop with programming software be stored off-site. The laptop could not be used for any other functions. As this suggestion is very recent, the county clerk will work through details of compliance with administration. Very little contingency remains from the EMS project, so additional funds might be necessary. Due to increased election security risks, the expenditure is warranted.

- Staffing - My primary concern is with staffing. With having a whole new staff as of mid-June (except the county clerk), it is imperative that we have sufficient staffing for ensuring elections compliance (including training municipalities in new security requirements and handling two additional elections), county board duties are completed, and to continue to adequately train current and new staff for marriage licensing and other necessary duties of the office.
- EMS Modem Upgrade – As our office will be working through Election budgeting for 2019 and modem upgrades will need to be installed next year, will the County support full or partial cost for that equipment? Without modems, the county will need to support labor changes to post up unofficial results on the web.
- EMS Backup – If sufficient funds are not available in the EMS contingency, could regular contingency provide a backup laptop for offsite available of election night/equipment programming software?

The above is very detailed memo and provides background to several issues being addressed in our office. Decisions can be completed at your next meeting with the May 1 meeting being informational. The municipalities will be looking to the county for their decision on budgeting, so you may want to consider not delaying further than your next meeting in two weeks. I look forward to our discussion.

Thank you.

Appendix

Wisconsin Statutes 59.23(2)

(2) Duties. The clerk **shall**:

- (a) *Board proceedings.* Act as clerk of the board at all of the board's regular, special, limited term, and standing committee meetings; under the direction of the county board chairperson or committee chairperson, create the agenda for board meetings; keep and record true minutes of all the proceedings of the board in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee; file in the clerk's office copies of agendas and minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; publish ordinances as provided in s. [59.14 \(1\)](#); and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.
- (b) *Recording of proceedings.* Record at length every resolution adopted, order passed and ordinance enacted by the board.
- (c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep a true and correct account of such orders, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. [65.90 \(5\)](#).
- (cm) *Apportionment of taxes.* Apportion taxes and carry out other responsibilities as specified in s. [70.63 \(1\)](#).
- (d) *Accounts.* File and preserve in the clerk's office all accounts acted upon by the board, and endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.
- (de) *Property.* To the extent authorized by the board, exercise the authority under s. [59.52 \(6\)](#).
- (dg) *Dogs.* Perform the responsibilities relating to dog licensing, which are assigned to the clerk under ch. [174](#), and the dog fund specified in ch. [174](#).
- (di) *Marriage licenses, domestic partnerships.* Administer the program for issuing marriage licenses as provided in ch. [765](#) and the program for forming and terminating domestic partnerships as provided in ch. [770](#).
- (e) *Reports of receipts and disbursements.* Record the reports of the treasurer of the receipts and disbursements of the county.
- (f) *Recording receipts and disbursements.* Keep a true and accurate account of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.
- (g) *Payments to treasurer.* Keep in the manner prescribed in par. (f) a separate account of all moneys paid the treasurer by the clerk.
- (h) *Books of account.* Keep all of the accounts of the county and all books of account in a manner that the board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

- (i) *Chief election officer, election duties.* As the chief election officer of the county, perform all duties that are imposed on the clerk in relation to the preparation and distribution of ballots and the canvass and return of votes at general, judicial, and special elections.
- (L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.
- (m) *Certified copies; oaths and bonds; signatures.*
 1. Make and deliver to any person, for a fee that is set by the board under s. [19.35 \(3\)](#), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.
 2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.
- (n) *Taxes.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes.
- (nm) *Timber harvest notices.* Provide notice to a town chairperson regarding the harvesting of raw forest products, as described in s. [26.03 \(1m\) \(a\) 2](#).
- (o) *Report, receipts and disbursements to board.* Make a full report to the board, at the annual meeting or at any other regular meeting of the board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to the board all books, accounts and vouchers relating to the same.
- (p) *Proceedings to historical society.* Forward to the historical society, postpaid, within 30 days after their publication a copy of the proceedings of the board, and of all printed reports made under authority of such board or by the authority of other county officers.
- (q) *County highway commissioner; notify of election.* Notify a county commissioner of highways of the commissioner's election within 10 days thereafter.
- (r) *County tax for road and bridge fund.* Notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.
- (s) *List of local officials.* Annually, on the first Tuesday of June, transmit to the secretary of state a list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other local governmental unit, as defined in s. [66.0135 \(1\) \(c\)](#), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as defined in s. [66.0137 \(1\) \(ae\)](#), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.
- (t) *General.* Perform all other duties required of the clerk by law.

History: [1995 a. 201](#) ss. [261](#), [263](#), [264](#), [275](#); [1995 a. 225](#) ss. [147](#) to [150](#); [1997 a. 27](#); [1999 a. 9](#); [2013 a. 373](#).

Under s. 59.17 (8) [now s. 59.23 (2) (h)], the clerk keeps only those accounts designated by the board. *Harbick v. Marinette County*, [138 Wis. 2d 172, 405 N.W.2d 724](#) (Ct. App. 1987).

Except for their elected superior's power to appoint and discharge, chief deputies are subject to the Municipal Employment Relations Act, ss. 111.70 to 111.77, and are not excluded from a collective bargaining unit as a matter of law. *Oneida County v. WERC*, [2000 WI App 191, 238 Wis. 2d 763, 618 N.W.2d 891, 00-0466](#).

Statutory powers of the county clerk with respect to budgeting and record keeping cannot be transferred by the county board to a new position of finance officer. 63 Atty. Gen. 196.

A county board can only grant powers of indirect supervision to a finance director with respect to the accounting or bookkeeping duties of a county clerk. 65 Atty. Gen. 132.

To: Outagamie County Finance Committee

From: Lori O'Bright, Outagamie County Clerk

Date: April 30, 2018

Re: County Clerk Update –Election Management System Project, Special Elections–
Senate District 1, County Clerk staffing/transition, Election Equipment
Programming COOP Planning

Thank you for the opportunity to update you on the new Election Management System (Election Equipment) Project, Special Elections for Senate District 1, County Clerk staffing/transition, and Election Equipment Programming COOP (Continuity of Operations Plan) Planning. Following is background for each item on the agenda. At your meeting, I will be available to answer questions.

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Senate District 1 - Special Election

After judicial order, Governor Walker certified a special election for the 1st Senate District, which covers a portion of Outagamie (and Calumet County – our office programs for all of Appleton & the Village of Harrison). Follows are the reporting units:

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recommended positions would focus on technical implementation of security measures, like MFA. The other position would focus on quality assurance and IT architecture

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- ***Additional Security Training for Clerks*** – WEC staff continues to develop in-house, interactive training tutorials for municipal clerks on election and cyber security topics. These trainings will be incorporated into the WisVote learning center and will be required for new users prior to gaining access to the system. However, additional training opportunities for municipal and county clerks is also available through federal partners. WEC staff would like to explore purchasing additional training from federal partners, such as the Center for Internet Security (MS-ISAC/DHS affiliate) that can then be made available to municipal and county clerks.
- ***Applications Management Software*** - WEC staff is exploring options to purchase database behavioral analysis and user activity logging software. These tools will help to establish baseline activity in the WisVote system and related applications and will automate processes to flag unusual activity. There are a number of software applications available either publicly or through the state enterprise that can accomplish these tasks. WEC staff is currently working with DET and other elections security partners to determine the best software solutions to meet agency needs.

County Level Continuity of Operations Plan–Election Security Issues

The County Clerk has addressed many security issues, but various items are in process of completion and the office will continue to implement federal/state recommendations.

- ***Backup Thumb Drives*** – Part of the EMS contingency funds were utilized to purchase a backup set of thumb drives. Brown County had procured an additional set, and after discussing with administration, Outagamie County purchased a back-up set for programming requirements. These thumb drives will be of particular assistance with special elections that are occurring and will assist with COOP.
- ***County Clerk Staff & Municipal Clerk Training*** – County Clerk staff will comply with all security measures being implemented by WEC. In addition, the County Clerk is becoming a train-the-trainer for municipal clerks/election inspectors (May 31 – Madison training). On June 6, Lori will be a facilitator at an Appleton regional training being planned by WEC.
- ***Equipment Programming Back-Up*** – In discussing redundancy of the county’s system with the EMS vendor, ES&S recommended several items. Back-up of election programming is being stored off-site. An additional item recommended is that a laptop with programming software be stored off-site. The laptop could not be used for any other functions. As this suggestion is very recent, the county clerk will work through details of compliance with administration. Very little contingency remains from the EMS project, so additional funds might be necessary. Due to increased election security risks, the expenditure is warranted.

- Staffing - My primary concern is with staffing. With having a whole new staff as of mid-June (except the county clerk), it is imperative that we have sufficient staffing for ensuring elections compliance (including training municipalities in new security requirements and handling two additional elections), county board duties are completed, and to continue to adequately train current and new staff for marriage licensing and other necessary duties of the office.
- EMS Modem Upgrade – As our office will be working through Election budgeting for 2019 and modem upgrades will need to be installed next year, will the County support full or partial cost for that equipment? Without modems, the county will need to support labor changes to post up unofficial results on the web.
- EMS Backup – If sufficient funds are not available in the EMS contingency, could regular contingency provide a backup laptop for offsite available of election night/equipment programming software?

The above is very detailed memo and provides background to several issues being addressed in our office. Decisions can be completed at your next meeting with the May 1 meeting being informational. The municipalities will be looking to the county for their decision on budgeting, so you may want to consider not delaying further than your next meeting in two weeks. I look forward to our discussion.

Thank you.

Appendix

Wisconsin Statutes 59.23(2)

(2) Duties. The clerk **shall**:

- (a) *Board proceedings.* Act as clerk of the board at all of the board's regular, special, limited term, and standing committee meetings; under the direction of the county board chairperson or committee chairperson, create the agenda for board meetings; keep and record true minutes of all the proceedings of the board in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee; file in the clerk's office copies of agendas and minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; publish ordinances as provided in s. [59.14 \(1\)](#); and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.
- (b) *Recording of proceedings.* Record at length every resolution adopted, order passed and ordinance enacted by the board.
- (c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep a true and correct account of such orders, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. [65.90 \(5\)](#).
- (cm) *Apportionment of taxes.* Apportion taxes and carry out other responsibilities as specified in s. [70.63 \(1\)](#).
- (d) *Accounts.* File and preserve in the clerk's office all accounts acted upon by the board, and endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.
- (de) *Property.* To the extent authorized by the board, exercise the authority under s. [59.52 \(6\)](#).
- (dg) *Dogs.* Perform the responsibilities relating to dog licensing, which are assigned to the clerk under ch. [174](#), and the dog fund specified in ch. [174](#).
- (di) *Marriage licenses, domestic partnerships.* Administer the program for issuing marriage licenses as provided in ch. [765](#) and the program for forming and terminating domestic partnerships as provided in ch. [770](#).
- (e) *Reports of receipts and disbursements.* Record the reports of the treasurer of the receipts and disbursements of the county.
- (f) *Recording receipts and disbursements.* Keep a true and accurate account of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.
- (g) *Payments to treasurer.* Keep in the manner prescribed in par. (f) a separate account of all moneys paid the treasurer by the clerk.
- (h) *Books of account.* Keep all of the accounts of the county and all books of account in a manner that the board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

- (i) *Chief election officer, election duties.* As the chief election officer of the county, perform all duties that are imposed on the clerk in relation to the preparation and distribution of ballots and the canvass and return of votes at general, judicial, and special elections.
- (L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.
- (m) *Certified copies; oaths and bonds; signatures.*
 1. Make and deliver to any person, for a fee that is set by the board under s. [19.35 \(3\)](#), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.
 2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.
- (n) *Taxes.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes.
- (nm) *Timber harvest notices.* Provide notice to a town chairperson regarding the harvesting of raw forest products, as described in s. [26.03 \(1m\) \(a\) 2.](#)
- (o) *Report, receipts and disbursements to board.* Make a full report to the board, at the annual meeting or at any other regular meeting of the board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to the board all books, accounts and vouchers relating to the same.
- (p) *Proceedings to historical society.* Forward to the historical society, postpaid, within 30 days after their publication a copy of the proceedings of the board, and of all printed reports made under authority of such board or by the authority of other county officers.
- (q) *County highway commissioner; notify of election.* Notify a county commissioner of highways of the commissioner's election within 10 days thereafter.
- (r) *County tax for road and bridge fund.* Notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.
- (s) *List of local officials.* Annually, on the first Tuesday of June, transmit to the secretary of state a list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other local governmental unit, as defined in s. [66.0135 \(1\) \(c\)](#), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as defined in s. [66.0137 \(1\) \(ae\)](#), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.
- (t) *General.* Perform all other duties required of the clerk by law.

History: [1995 a. 201](#) ss. [261](#), [263](#), [264](#), [275](#); [1995 a. 225](#) ss. [147](#) to [150](#); [1997 a. 27](#); [1999 a. 9](#); [2013 a. 373](#).

Under s. 59.17 (8) [now s. 59.23 (2) (h)], the clerk keeps only those accounts designated by the board. *Harbick v. Marinette County*, [138 Wis. 2d 172, 405 N.W.2d 724](#) (Ct. App. 1987).

Except for their elected superior's power to appoint and discharge, chief deputies are subject to the Municipal Employment Relations Act, ss. 111.70 to 111.77, and are not excluded from a collective bargaining unit as a matter of law. *Oneida County v. WERC*, [2000 WI App 191, 238 Wis. 2d 763, 618 N.W.2d 891, 00-0466](#).

Statutory powers of the county clerk with respect to budgeting and record keeping cannot be transferred by the county board to a new position of finance officer. 63 Atty. Gen. 196.

A county board can only grant powers of indirect supervision to a finance director with respect to the accounting or bookkeeping duties of a county clerk. 65 Atty. Gen. 132.

To: Outagamie County Finance Committee

From: Lori O'Bright, Outagamie County Clerk

Date: April 30, 2018

Re: County Clerk Update –Election Management System Project, Special Elections–
Senate District 1, County Clerk staffing/transition, Election Equipment
Programming COOP Planning

Thank you for the opportunity to update you on the new Election Management System (Election Equipment) Project, Special Elections for Senate District 1, County Clerk staffing/transition, and Election Equipment Programming COOP (Continuity of Operations Plan) Planning. Following is background for each item on the agenda. At your meeting, I will be available to answer questions.

Election Equipment Project Update

- Elections Systems & Software was the selected vendor through procurement in 2017.
- After working with municipalities, the following equipment was purchased:
 - Optical Scanner Tabulators – DS200s – 72 (reads optical scan and ExpressVote ballots (PDFs every ballot image); tabulates results; after election is closed, the DS200 *with* modem, modems unofficial returns to county)
 - Modems for Optical Scanners – 69 – Village of Harrison, Calumet County, did not procure modems as their results are transmitted to Calumet County non-electronically as the county clerk does not have software to receive results via modem.
 - ADA Equipment – ExpressVotes – 76
 - Note: Two DS200s with modems and two ExpressVotes are county-owned and must be county maintained as required by the intergovernmental agreements with municipalities.
 - The county-owned equipment is utilized as: municipal backup on Election Day, during programming to test/verify programming, and during training.
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recommended positions would focus on technical implementation of security measures, like MFA. The other position would focus on quality assurance and IT architecture

- ***Additional Server and Database Environments*** – WEC IT applications are hosted on servers housed at the state Division of Enterprise Technology (DET). Designating an application as critical means that DET architects the server structure for that application in a way that enhances back-ups and redundancies and ensures the function of the application can be restored and recovered quickly in the event of a cyber event or emergency. WEC staff is in the process of exploring the DET hosting tiers and identifying costs associated with moving WisVote and related applications to the highest tier available. After preliminary discussions, WEC staff does not believe moving elections applications to a higher tier will represent a one-time cost of more than \$100,000. However, moving to a higher tier will represent a higher monthly cost to the WEC for DET hosting services. WEC staff will report to the Commission any additional services purchased through DET to accomplish these upgrades.
- ***Additional Security Training for Clerks*** – WEC staff continues to develop in-house, interactive training tutorials for municipal clerks on election and cyber security topics. These trainings will be incorporated into the WisVote learning center and will be required for new users prior to gaining access to the system. However, additional training opportunities for municipal and county clerks is also available through federal partners. WEC staff would like to explore purchasing additional training from federal partners, such as the Center for Internet Security (MS-ISAC/DHS affiliate) that can then be made available to municipal and county clerks.
- ***Applications Management Software*** - WEC staff is exploring options to purchase database behavioral analysis and user activity logging software. These tools will help to establish baseline activity in the WisVote system and related applications and will automate processes to flag unusual activity. There are a number of software applications available either publicly or through the state enterprise that can accomplish these tasks. WEC staff is currently working with DET and other elections security partners to determine the best software solutions to meet agency needs.

County Level Continuity of Operations Plan–Election Security Issues

The County Clerk has addressed many security issues, but various items are in process of completion and the office will continue to implement federal/state recommendations.

- ***Backup Thumb Drives*** – Part of the EMS contingency funds were utilized to purchase a backup set of thumb drives. Brown County had procured an additional set, and after discussing with administration, Outagamie County purchased a back-up set for programming requirements. These thumb drives will be of particular assistance with special elections that are occurring and will assist with COOP.
- ***County Clerk Staff & Municipal Clerk Training*** – County Clerk staff will comply with all security measures being implemented by WEC. In addition, the County Clerk is becoming a train-the-trainer for municipal clerks/election inspectors (May 31 – Madison training). On June 6, Lori will be a facilitator at an Appleton regional training being planned by WEC.
- ***Equipment Programming Back-Up*** – In discussing redundancy of the county’s system with the EMS vendor, ES&S recommended several items. Back-up of election programming is being stored off-site. An additional item recommended is that a laptop with programming software be stored off-site. The laptop could not be used for any other functions. As this suggestion is very recent, the county clerk will work through details of compliance with administration. Very little contingency remains from the EMS project, so additional funds might be necessary. Due to increased election security risks, the expenditure is warranted.

- Staffing - My primary concern is with staffing. With having a whole new staff as of mid-June (except the county clerk), it is imperative that we have sufficient staffing for ensuring elections compliance (including training municipalities in new security requirements and handling two additional elections), county board duties are completed, and to continue to adequately train current and new staff for marriage licensing and other necessary duties of the office.
- EMS Modem Upgrade – As our office will be working through Election budgeting for 2019 and modem upgrades will need to be installed next year, will the County support full or partial cost for that equipment? Without modems, the county will need to support labor changes to post up unofficial results on the web.
- EMS Backup – If sufficient funds are not available in the EMS contingency, could regular contingency provide a backup laptop for offsite available of election night/equipment programming software?

The above is very detailed memo and provides background to several issues being addressed in our office. Decisions can be completed at your next meeting with the May 1 meeting being informational. The municipalities will be looking to the county for their decision on budgeting, so you may want to consider not delaying further than your next meeting in two weeks. I look forward to our discussion.

Thank you.

Appendix

Wisconsin Statutes 59.23(2)

(2) Duties. The clerk **shall**:

- (a) *Board proceedings.* Act as clerk of the board at all of the board's regular, special, limited term, and standing committee meetings; under the direction of the county board chairperson or committee chairperson, create the agenda for board meetings; keep and record true minutes of all the proceedings of the board in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee; file in the clerk's office copies of agendas and minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; publish ordinances as provided in s. [59.14 \(1\)](#); and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.
- (b) *Recording of proceedings.* Record at length every resolution adopted, order passed and ordinance enacted by the board.
- (c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep a true and correct account of such orders, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. [65.90 \(5\)](#).
- (cm) *Apportionment of taxes.* Apportion taxes and carry out other responsibilities as specified in s. [70.63 \(1\)](#).
- (d) *Accounts.* File and preserve in the clerk's office all accounts acted upon by the board, and endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.
- (de) *Property.* To the extent authorized by the board, exercise the authority under s. [59.52 \(6\)](#).
- (dg) *Dogs.* Perform the responsibilities relating to dog licensing, which are assigned to the clerk under ch. [174](#), and the dog fund specified in ch. [174](#).
- (di) *Marriage licenses, domestic partnerships.* Administer the program for issuing marriage licenses as provided in ch. [765](#) and the program for forming and terminating domestic partnerships as provided in ch. [770](#).
- (e) *Reports of receipts and disbursements.* Record the reports of the treasurer of the receipts and disbursements of the county.
- (f) *Recording receipts and disbursements.* Keep a true and accurate account of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.
- (g) *Payments to treasurer.* Keep in the manner prescribed in par. (f) a separate account of all moneys paid the treasurer by the clerk.
- (h) *Books of account.* Keep all of the accounts of the county and all books of account in a manner that the board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

- (i) *Chief election officer, election duties.* As the chief election officer of the county, perform all duties that are imposed on the clerk in relation to the preparation and distribution of ballots and the canvass and return of votes at general, judicial, and special elections.
- (L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.
- (m) *Certified copies; oaths and bonds; signatures.*
 1. Make and deliver to any person, for a fee that is set by the board under s. [19.35 \(3\)](#), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.
 2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.
- (n) *Taxes.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes.
- (nm) *Timber harvest notices.* Provide notice to a town chairperson regarding the harvesting of raw forest products, as described in s. [26.03 \(1m\) \(a\) 2](#).
- (o) *Report, receipts and disbursements to board.* Make a full report to the board, at the annual meeting or at any other regular meeting of the board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to the board all books, accounts and vouchers relating to the same.
- (p) *Proceedings to historical society.* Forward to the historical society, postpaid, within 30 days after their publication a copy of the proceedings of the board, and of all printed reports made under authority of such board or by the authority of other county officers.
- (q) *County highway commissioner; notify of election.* Notify a county commissioner of highways of the commissioner's election within 10 days thereafter.
- (r) *County tax for road and bridge fund.* Notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.
- (s) *List of local officials.* Annually, on the first Tuesday of June, transmit to the secretary of state a list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other local governmental unit, as defined in s. [66.0135 \(1\) \(c\)](#), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as defined in s. [66.0137 \(1\) \(ae\)](#), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.
- (t) *General.* Perform all other duties required of the clerk by law.

History: [1995 a. 201](#) ss. [261](#), [263](#), [264](#), [275](#); [1995 a. 225](#) ss. [147](#) to [150](#); [1997 a. 27](#); [1999 a. 9](#); [2013 a. 373](#).

Under s. 59.17 (8) [now s. 59.23 (2) (h)], the clerk keeps only those accounts designated by the board. *Harbick v. Marinette County*, [138 Wis. 2d 172, 405 N.W.2d 724](#) (Ct. App. 1987).

Except for their elected superior's power to appoint and discharge, chief deputies are subject to the Municipal Employment Relations Act, ss. 111.70 to 111.77, and are not excluded from a collective bargaining unit as a matter of law. *Oneida County v. WERC*, [2000 WI App 191, 238 Wis. 2d 763, 618 N.W.2d 891, 00-0466](#).

Statutory powers of the county clerk with respect to budgeting and record keeping cannot be transferred by the county board to a new position of finance officer. 63 Atty. Gen. 196.

A county board can only grant powers of indirect supervision to a finance director with respect to the accounting or bookkeeping duties of a county clerk. 65 Atty. Gen. 132.

From: Erick Kaardal <kaardal@mklaw.com>
Sent: Monday, October 25, 2021, 12:53 PM
To: "'Duesterbeck, Melodie'" <Melodie.Duesterbeck@legis.wisconsin.gov>
Subject: FW: Racine Amended Petition - signature page
Attachments: Amended Petition FINAL (unsigned).pdf; Verification - JB.pdf

Hi Melodie:

I don't know if you saw this email. But, we are looking for Janell to sign and have notarized the attached verification page for the purpose of the Racine Open Records Law litigation. Thanks.
egk

From: Mary Gynild <Gynild@mklaw.com>
Sent: Monday, October 25, 2021 12:49 PM
To: Janel Brandtjen <janel@brandtjen.com>
Cc: Erick Kaardal <kaardal@mklaw.com>
Subject: FW: Racine Amended Petition - signature page
Importance: High

Dear Ms. Brandtjen

We need your signature on the verification page for the Amended Petition. I have enclosed your verification page as a separate pdf for printing convenience. Please sign your page and scan/email back to us.

Mary Gynild for Erick Kaardal
Legal Assistant
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, Minnesota 55402
Tele: (612) 341-1074
Fax: (612) 341-1076
Email: gynild@mklaw.com

This transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is strictly prohibited.

From: Mary Gynild
Sent: Wednesday, October 20, 2021 2:26 PM
To: RHH <ronheuer@gmail.com>; 'Harry Wait' <harrytrex@gmail.com>; Janel Brandtjen <janel@brandtjen.com>
Cc: Erick Kaardal <kaardal@mklaw.com>
Subject: Racine Open Records Law Petition - Amended Petition

Dear Mr. Heuer, Mr. Wait and Ms. Brandtjen

Enclosed is a copy of the Amended Petition. We need your signatures on the verification pages. I have enclosed the verification pages as separate pdfs for printing convenience. Please sign your

page and scan/email back to us. If you have any questions or concerns, please do not hesitate to contact us. Thank you.

Mary Gynild for Erick Kaardal
Legal Assistant
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, Minnesota 55402
Tele: (612) 341-1074
Fax: (612) 341-1076
Email: gynild@mklaw.com

This transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is strictly prohibited.

Vicky Selkowe
City of Racine
730 Washington Ave.
Racine, Wi. 53403

3-17-2021

Subject: Wisconsin Public Records Request

Ms. Vicky Selkowe,

**This letter is a request for the inspection of the following records under Wisconsin Public Record laws.
(Wisconsin Statutes 19.31-39 and others)**

This Wisconsin Public Records Request is specifically focused on any records of the following between Jan 1st. 2020 to December 31st. 2020:

Specific records requests:

Maintain and protect ALL records of the following.

The requester wishes to review all documents, videos, and media as soon as possible of the following:

1. **Vicky Selkowe** and/or Vicky Selkowe acting as Manager of Strategic Initiatives & Community Partnerships and Multicultural Liaison, or in other capacities, records to include emails, texts, notes, inner office correspondence and videos relating to the City of Racine activities concerning the 2020 November elections with the listed below keywords, (#2).
2. Key words in the above-mentioned request include CTCL, National Vote at Home Institute, Center for Tech and Civic Life, Wisconsin Safe voting plan, poll worker(s), Ideas42, ballot, box,

boxes, security, camera(s) Dominion, vote, voting machines, grant, Madison, Green Bay, Milwaukee, Kenosha, Racine, contract(s), agreement(s), lock(s), key(s), Michelle Nelson, Tiana Epps Johnson, John McLaughlin, Kris Teske, Antaramian, Maribeth Witzel-Behl, S. Claire Woodall-Vogg, Kathleen Fischer, Whitney May, Hillary Hall, Michael Spitzer-Rubenstein,

The requester wishes to review these files in its entirety.

Please be aware that the Open Record laws define “records” to include information that is maintained on paper as well as electronically stored records, such as data files, video, and unprinted emails.

Wisconsin Public Record laws shall be construed in every instance with the presumption of complete public access consistent with the conduct of government business. The denial of access to public records is generally contrary to the public interest and only in exceptional cases can public records access be denied. Should you deny any part of this request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny my request. {Wisconsin Statute 19.35,(4),(a)}

The law requires you to respond to this request “as soon as possible and without delay”. Compliance is mandatory by law. Comply and produce all the requested records or deny the records request (all or in part) within ten days.

Compliance at some unspecified future time is not authorized by the public records law. The records custodian has two choices: comply or deny. WTMJ, Inc. v. Sullivan, 204 Wis. 2d 452, 457-58, 555 N.W.2d 140, 142 (Ct. App. 1996).

To expedite and simplify the response, and in stewardship of our good earth’s resources, please respond to this request in an electronic media form.

If there are questions or clarification needed of this request, please inform me so I may clarify or refine this request.

Please promptly contact me so I may conduct an inspection of these records.

Respectfully submitted,

HOT Government &
Harry Wait

S Harry Wait

4353 Shianne Street
Union Grove, Wi. 53182
Ph. 262-770-9796
harrytrex@gmail.com

HOTGovernment@gmail.com

Submitted via email.
vicky.selkove@cityofracine.org

Vicky Selkowe
City of Racine
730 Washington Ave.
Racine, Wi. 53403

3-17-2021

Subject: Wisconsin Public Records Request

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(Wisconsin Statutes 19.31-39 and others)**

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Respectfully submitted,

HOT Government &
Harry Wait

S Harry Wait

4353 Shianne Street
Union Grove, Wi. 53182
Ph. 262-770-9796
harrytrex@gmail.com

HOTGovernment@gmail.com

Submitted via email.
vicky.selkowe@cityofracine.org

WEC/DET Security Technology Discovery Approach

Hi Erick,

I found a new document this morning that I've sent you by email. It is a 2018 review of all the platforms in use by DET.

Your forensics expert will create a discovery process "map" for you I imagine - listing what information you'll ask for from DET and WEC about the systems involved in the Wisconsin election - but I thought I would take a crack at putting one together for you so you can go into that conversation with your forensics person with a "point of view" about how to do this, and then you can see what he comes up.

First, I think WEC/DET will take this more seriously if you approach it in a way where you try to get to the people responsible for the technologies in their key technology "categories" that they have defined internally.

They will likely have a person who who has been trained to respond to legal inquiries, and trained to provide only specifically what is asked for based on a narrow interpretation of what you asked for.

You want to talk to the lower level person who actually runs/administers the system(s) in each technology area, and meet them ideally in person - don't let people hide behind zoom or a phone call. These people are not going to think about what info they should give you or not - they will just comply, and will frankly be nervous about ever being accused about being anything less than truthful.

This document I found today will help with this. It is a 2018 description of all the technologies used by DET for all purposes, and gives us insight into the language and "vocabulary" they use to talk about their technology infrastructure. Here's a screen grab of the cover and TOC:

State of Wisconsin Enterprise Technical Reference Model

Version: 115
Released Date: July 2017
Valid Through: June 2018

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State of Wisconsin Enterprise Technical Reference Model

Version: 115
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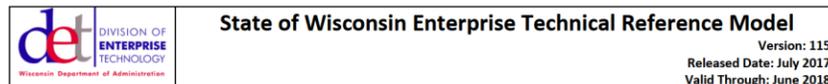
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Using their language (“lingo”) will establish your team’s credibility, and make them think “hmmm, these guys have done some homework, I wonder how much they know, who they know on the inside here?”.

Here is what I would ask for in terms of the categories outlined in the TOC in this document - note that these are just some items that I found interesting, your forensics person may come up with a better / more informed list.

1. Security - Identity

- a. This is perhaps the most important category of systems and related information, as it goes to the heart of which users have access to WISVOTE, how they do multi-factor authentication with the hardware USB devices (i believe they call them fido keys).
- b. Below is the list of products used to manage identity and access control for all systems in DET (not just WISVOTE or WEC systems).



Security

Identity

Description: Defines the enterprise standards for Identity services.

Technology Advisory Group: DET Security Team; DET Network Access Management

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Internal Identity			MS Active Directory; MS Azure AD		
External Identity	MS Azure B2C; MicroFocus Identity Governor; SailPoint		MS Active Directory; MicroFocus eDirectory		
Internal Identity Management Tools			Tools4Ever; BeyondTrust; Microsoft	RMAD	
External Identity Management Tools			MicroFocus; Microsoft		
Advanced Authentication (Multi-Factor)	Office 365 MFA; Smartcards	Next Generation MFA (Duo)	FOB based (RSA)		

- c.
- d. These are the Microsoft Active Directory products, which are very likely the products that include the authentication credentials for the 3000 users of WISVote.
- e. Recall that one of the key issues to investigate, is the statement from this document, the June 14th 2018 report to the municipalities:

WISCONSIN ELECTIONS COMMISSION

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



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

Wisconsin Elections Commission's Presentation

to the

LEAGUE OF WISCONSIN MUNICIPALITIES Clerks, Treasurers & Finance Officers Institute

Thursday, June 14, 2018
1:00 p.m. – 4:15 p.m.

Chula Vista Resort
2501 River Road
Wisconsin Dells, WI 53965

- i.
- ii. It includes this statement about implementing multi-factor authentication:

A. Multi-Factor Authentication

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

- iii. **B Active Directory Federated Services**
- iv. Determining how the "lack of central control over those users" was addressed is a key issue, especially since it seems you have heard that the FIDO/MFA hardware devices were freely copied and distributed.

- f. Recall that another key issue raised in this document was the statement that WEC was looking to setup its own "Active Directory Federated Services" server, as explained in the June 14, 2018 document:

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called **Active Directory** to manage user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by DET. This setup allowed WisVote to launch in accordance with the 2016 deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it harder for WEC developers to

-4-

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

- i.
- ii. Need to investigate if this was ever done, and why. And of course, reviewing relevant log information from these servers would be important. If WEC administered which users had access to WISvote, this is where you will find all the users who were added, deleted, etc.

2. Security Tools

Security Tools

Description: Defines the enterprise standards for management of security services.

Technology Advisory Group: DET Security Team

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
DDOS	Appliance based solution		Upstream Provider		
Computer Forensic Analysis			Host Based Toolsets (Encase); Network Based Toolsets		
Intrusion Detection/Prevention			Intrusion Detection Systems (IDS); Intrusion Prevention Systems (IPS)		
Security Log Collection	VM & cloud aware log collection tools		Log Collection Tools		
Security Log/Event Monitoring			Log Monitoring Tools		
Vulnerability Assessment		Security Center Continuous View	Nessus; MSS Tools		
DLP	Office 365 Rights Management		Symantec Data Loss Prevention		
Web Application Security Testing			Various Tools		
Penetration Testing			Various Tools		
Security Awareness Training			Star LMS		
Security Audit / Compliance			Various Tools		

- a.
- b. DLP stands for “data loss prevention”.
 - i. This is a VERY important to tool to get its logs and reports from whenever the network of not for profits was active, as this tool is the type of tool that may create a record/log entry when someone sends data out to one of the domains (like ctcl.com, natvoteathome.org, etc.).
 - ii. Products are Symantec Data Loss Prevention and Office 365 Rights Management.
- c. Remember that in a memo from Lori O’Bright, Outagamie County Clerk, she mentioned that WEC was looking at deploying behavioral analysis software - we want to find out from her if that was deployed / if she knows anything more about it - might have been this DLP software, but worth asking her / WEC:



OUTAGAMIE COUNTY CLERK'S OFFICE
 410 South Walnut Street | Appleton, WI 54911
 Lori J. O'Bright, County Clerk
 Jeffrey King, Deputy Clerk-Programmer
 Lynette Gitter & Karen Herman, Deputy Clerk Assistants
 Telephone: 920-832-5077 | Fax: 920-832-2200
 Website: www.outagamie.org

To: Outagamie County Finance Committee

From: [Lori O'Bright, Outagamie County Clerk](#)

Date: April 30, 2018

County Clerk Update –Election Management System Project, Special Elections–
 Senate District 1, County Clerk staffing/transition, Election Equipment

Re: Programming COOP Planning

i.

that can then be made available to municipal and county clerks.

- **Applications Management Software** - WEC staff is exploring options to purchase database behavioral analysis and user activity logging software. These tools will help to establish baseline activity in the WisVote system and related applications and will automate processes to flag unusual activity. There are a number of software applications available either publicly or through the state enterprise that can accomplish these tasks. WEC staff is currently working with DET and other elections security partners to determine the best software solutions to meet agency needs.

ii.

d. Security Awareness Training

- This “Star” LMS (Learning Management System) may be a source of interesting information about their information security policies.

3. Data Protection

Data Protection

Description: Defines the enterprise standards used for data protection and recovery in the storage environment.

Technology Advisory Group: DET Converged and Cloud Provisioning Services

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Data Backup	Appliance based backups (with data indexing/search); Cloud integration	Cloud integration	Agent-based backup; Hypervisor snapshots; Storage snapshots	Agent-based backup	
Data Replication	"Pool" based replication; Cloud replication	HyperConverged replication	Block level array based replication; File level array based replication Application based replication		

- a.
- b. Background: For security reasons, they probably have a policy not to talk about which products they use (why advertise this to the bad guys - a good policy)
 - i. Make them provide you with a list of all technology products related to data protection that they have in use, including version numbers
- c. Requests: You need to ask/find out the following:
 - i. Get a copy of their internal Data Protection policies and procedures documents
 1. Why? This will help you understand what their standard policies are and if anyone has deviated from them, or if they say "oh, you know we backup everything daily except for the microsoft active directory federated services server"
 - ii. What products and what versions of those products were used at the time of the election and which are used now
 1. Why: for security reasons, they are not revealing what products they use for data security, you need a list so you know what products you need to ask about - log files to request from those products showing
 - a. Who logged in to do anything to the system's configuration
 - b. What did they do?

4. Network

Network

Enterprise Network

Description: Defines the infrastructure, standards and utilities for the enterprise network environment.

Technology Advisory Group: DET WAN/LAN Services; DET Network Access Management; DET Data Center Planning and Operations; DET Security Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Protocol	TCP/IP v6	TCP/IP v6	TCP/IP v4		
Switches			Cisco		NetGear
Routers			Cisco		
VPN			Cisco		
Wireless LAN			Cisco	Aruba	
Load Balancers			F5		Cisco
Network Monitoring			Statseeker; WUG; ELSA; Cisco		Solarwinds
IP Address Mgmt (IPAM)			Bluecat	XLS spreadsheet	Solarwinds

- a.
- b. Background: these network products may be able to tell you the identity of every device - including the FIDO/RSA key devices used for multi-factor authentication I believe - that ever attach to the network, and potentially the IP address of device they were connecting from. Perhaps important if you really want to dig into when those FIDO keys are attaching to the network.
- c. Statseeker
 - i. Notice what they say this product does - it tracks devices - like those FIDO/RSA security devices

• For details on report configuration, see [Custom Reports](#)

Group Filter

The Group Filter contains the default interface groups and every group, created manually or through auto-group creation, that the user has permission to see. These groups can be passed through to reports to focus the report upon the selected group or groups. The list can be filtered via the search field above the list. For details on creating and populating groups, see:

- [Why Grouping is Essential](#)
- [Manual Grouping](#)
- [Automated Grouping](#)

For further information on the relationship between users and groups, and how to use grouping to manage the visibility of your network that a user has through Statseeker, see [Users and Groups](#).

Device Filter

The Device Filter contains every device on your network that Statseeker has access to, including references to retired devices. The list can be filtered via the search field above the list and selections from the dropdown menu passed through to reports as a filter to focus the report upon the selected device/devices.

The Device list can display the **device name**, **IP address** or the **sysName**, as determined by the selection in the dropdown. By default, the Device List displays a maximum of 1000 entries (searching or filtering the entire device list, not the displayed subset of devices) and this limit may be altered, see [Editing the Device List Display Limit](#) for details.

Time Filter

The specified time filters are applied to default 'event based' reports (ping, ifOperStatus, ifAdminStatus, threshold breaches, etc.) and all custom reports that do not have an embedded timefilter. For details on using time filters, see:

- [Console Reporting – Report Filters](#)
- [Time Filters](#)

The time filter in the Console is comprised of three elements:

- **Favorites** – a drop-down list of saved time filters
- **Time Filter Creation** – fields and lists used to create a custom time filter
- **Advanced Time Filter Editor** – pencil icon (✎) opens the Advanced Time Filter Editor which can be used to create and test complex time filters

For details on time filters, creating favorites and using the Advanced Time Filter Editor, see: [Time Filters](#).

ii.

d. WUG (think that stands for “What’s Up Gold”:



i.

ii. Background: network monitoring software

1. Your infosec guy will need to evaluate whether this network monitoring software could have anything of value for you in terms of logs, etc.

e. ELSA

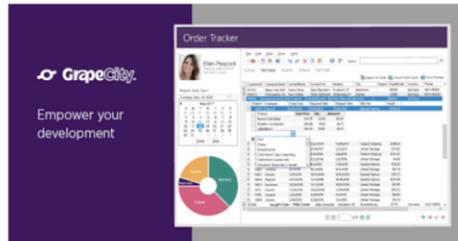
i. Background: this one is probably quite important.

ELSA enterprise log archive query system

Enterprise

2020-12-11 12:21:02

views: null



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GrapeCity Developer Tools

Open

ELSA (full name: Enterprise Log Search and Archive) is an open source enterprise log archive query tool based on syslog-ng (generation of log collectors, but currently most Linux discovery versions do not include this tool) and MySQL. The perfect match Sphinx, supports full-text indexing, and can search any string in hundreds of millions of logs as easily as searching the Web (provided that your server configuration is high enough). The working principle diagram of the single-node ELSA log collection system is as follows:

The above architecture diagram shows that ELSA is divided into three layers in terms of architecture:

The log receiver, which is completed by syslog-ng, is responsible for receiving log storage indexes from local, network and imported log files . The storage is completed by the MySQL database, and the index is completed by sphinx.

- ii.
- iii. Enterprise Log Search and Archive

1. This is a tool they probably use to make it search through all of their system logs from multiple systems.
2. Definitely useful for your guy doing the forensics work!

f. Bluecat IP Address Management

- i. This tool may contain useful information, since it logs IP address info

BlueCat Address Manager™ for Windows Server

The easier way to manage your Windows DNS and DHCP servers.

You rely on Windows for your business-critical DNS and DHCP core services. BlueCat Address Manager is an IP Address Management (IPAM) solution that brings all IP address, DNS and DHCP information into a single pane of glass to simplify Windows network management and reduce IT costs. With BlueCat Address Manager for Windows Server, there's no need to spend time and effort navigating between separate server instances in the Microsoft Management Console (MMC). With centralized management, workflow and automation, BlueCat Address Manager adds flexibility, agility and resiliency to your Windows DNS and DHCP infrastructure.

Reduce Windows network administration time by 80%
Quickly and easily manage, track and assign IP addresses, networks and hostnames – all from a single Web-based interface.

Replace inefficient legacy IPAM tools and manual processes
Reduce time, effort and costs by replacing error-prone legacy IPAM solutions including spreadsheets and manual processes with a flexible, scalable, automated IPAM solution.

Allow IT to move at the speed of business
Speed the completion of IT tasks and meet SLAs by delegating everyday network configuration activities and workflow to the helpdesk or more novice staff – with approval controls and auditing.

Centrally manage all Windows DNS and DHCP servers
BlueCat Address Manager connects

Rapid implementation and ROI
With BlueCat Address Manager.

- ii.
5. Email

E mail Service

Description: Defines the standards for e mail services and utilities in the enterprise environment.

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
E mail Server		Office 365	Exchange 2013		Exchange 2007
E mail Anti-virus/Anti-spam	Office 365		IronPort 8.5.6		
E mail encryption	Office 365		Cisco Registered Envelope Service		
E mail Retention		Office 365 Preservation Policies	Exchange 2013 Archiving and eDiscovery	Symantec Enterprise Vault; Quest Archive Manager	

- i.
- ii. These products are all important to your email review.

1. The email system is Exchange 2013 (that's an on premise, DET managed email service) and Office365 is a hosted solution - hosted meaning the servers are hosted at a microsoft facility.
- iii. Notice these products in list above that are for backing up / storing emails, so they will be of great interest to your team
1. Symantec Enterprise Vault
 2. Quest Archive Manager
 3. Exchange 2013 Archiving and eDiscovery
 4. Office 365 Preservation Policies
 - a. Some users of email in Wisconsin may be on Office365 (newer technology) and others may be on Exchange 2013 (older technology).

6. Application Hosting

Application Hosting

Description: Defines the enterprise standards for applications hosting and other hosting services (i.e. video, fax, list, etc.).

Technology Advisory Group: DET Application Hosting Team

Technology Decision Group: Chief Technical Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Middleware		WebSphere 9.0	WebSphere 7.0, 8.5.5; Oracle Fusion Middleware 12c		WebSphere 5.0, 6.1; Oracle WebLogic 11g
Web Search					Ultraseek 5.7.8
Web Analytics			Splunk Enterprise; Tableau 10.1		Urchin 6.5.00
Enterprise eFax	RightFax Cloud SaaS	RightFax 11.0	RightFax 10.6		
Media Presentation			Adobe Connect 9.3.1; Adobe Connect 9.5		
Video Broadcasting					MediaSite 6.1, 7.0
List Services	GovDelivery	Lyris 12.0	Lyris 11.0		
Application Publishing Services		VMware Horizon (Workspace Aggregator)			Citrix Presentation Server 4.5
Enterprise FTP Services			GlobalScape EFT		
SharePoint		SharePoint 2016; SharePoint Online (O365)	SharePoint 2013		
Team Foundation Services		TFS 2015, 2017	TFS 2012		
Enterprise Distributed Batch			MS 2012		
Image Capture & Processing		Kofax Total Agility	Kofax Capture 9		
Enterprise Service Bus			IBM Integration Bus (IIB)	Websphere Enterprise Service Bus	

- a.
- b. The products listed above are all products that could have been used to send information out of a clerk's office:
 - i. Enterprise eFax - RightFax - this is software on a computer that lets you send faxes from a computer
 - ii. Enterprise FTP Services - Globalscape EFT
 1. This is a "file transfer protocol" product where files can be placed so they can be downloaded
 - iii. Sharepoint
 1. A microsoft file sharing product
 - iv. Image Capture and Processing
 1. Kofax is another electronic scanning and faxing product

7. Network Security

- a. Your forensics person will find all of these products interesting - some of them may have logs showing people who visited ctcl's site, etc.

Network Security

Description: Defines the enterprise standards for Network Security services.

Technology Advisory Group: DET Security Team; DET Network Access Management

Technology Decision Group: Chief Technical Officer; Chief Information Security Officer; Director - Bureau of Infrastructure; and Director - Bureau of Architecture & Project Management

Service Offering Definition:

Service Strategy:

Sub-category	Emerging	Strategic	Current Tactical	Transitional	Legacy
Firewalls		Cisco Next Gen	Cisco, Palo Alto		
Web Application Firewall			F5 ASM	Trustwave	
Network Access Control (NAC)			Cisco	Aruba	
URL Web Content Filtering			Zscaler	Websense; Bluecoat; Palo Alto	

- b.
- c. The zscaler product has some data loss protection (detects when data leaving the network) features, so it may yield some clues.



Zscaler™ Cloud DLP

Close the gaps in your data protection strategy



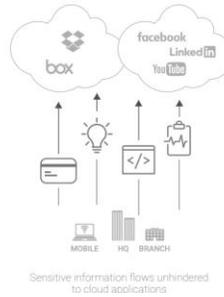
Zscaler Cloud DLP protects against the loss of sensitive data across all users and branches, regardless of location, through full inline SSL inspection

The challenge of data protection in a cloud-first world

Around the globe, reports of data breaches continue to make headlines, while GDPR imposes new rules to strengthen and unify data protection. Traditionally, organizations would respond to such challenges by adding yet another appliance to an already complex security stack, but the transformation to a cloud-first world has changed the rules of the game.

While the new norm consists of applications in the cloud and users connecting directly to them from anywhere, you are inevitably left with blind spots. As your users bypass your security controls while off network, your visibility and control of critical data and personal information is lost.

These blind spots increase your risk of data loss—whether that data is exposed unintentionally due to a lack of user awareness, or it is being extracted maliciously. And, because 70 percent of all web traffic is encrypted, sensitive data is often



WISCONSIN ELECTIONS COMMISSION

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JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission's Presentation

to the

LEAGUE OF WISCONSIN MUNICIPALITIES Clerks, Treasurers & Finance Officers Institute

Thursday, June 14, 2018

1:00 p.m. – 4:15 p.m.

Chula Vista Resort

2501 River Road

Wisconsin Dells, WI 53965

AGENDA

1:00 p.m. – 4:15 p.m.
(15 minute break)

Greetings

2018 Elections Commission Activities

Richard Rydecki, Elections Supervisor

Diane Lowe, Lead Elections Specialist

Bill Wirkus, Elections Specialist

- Legislative Update
- Election Security
- Counting Votes at the Partisan Primary
- Canvass Process
- UOCAVA Deadlines
- Political Party Election Mailings
- Badger Book Project
- ERIC Supplemental List and Upcoming Mailing

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 27, 2018

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Richard Rydecki
Elections Supervisor

Robert Williams
Elections Specialist

SUBJECT: Wisconsin Act 326: Elected Officials as Election Inspectors

[Wisconsin Act 326](#) (Act 326) was enacted on April 16, 2018, making changes to statutes related to the standards for election inspectors in Wisconsin Statutes, Chapter 7. Pursuant to a long standing legal opinion from the Government Accountability Board and upheld by the Wisconsin Elections Commission, local elected officials have been prohibited from being appointed as election inspectors.

Under Act 326, the rules regarding this prohibition have been relaxed. Act 326 amends [Wisconsin Statutes, Chapter 7.30\(2\)\(a\)](#) so that local elected officials are now allowed to be appointed as election inspectors without having to vacate the local public office. However, in first class cities, the prohibition remains in effect. Act 326 is effective as of April 18, 2018. On or after that date, clerks may appoint local elected officials as election inspectors at the beginning of a new term or to fill election inspector vacancies in the interim.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

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

Prepared and Presented by:

Tony Bridges

Riley Willman

WisVote Specialist

Election Administration Specialist

SUBJECT: Elections Security Staff Update

I. Introduction

In March 2018, the Wisconsin Elections Commission (WEC) received a **\$6,798,318** grant award to improve the administration of elections for Federal office, which includes **technology enhancements and election security improvements to its systems, equipment, and processes used in federal elections**. State law requires compliance with the §16.54 process for a state agency to accept federal funds and this process involves several steps. An initial step was completed when the agency received written confirmation from the Department of Administration with approval for the acceptance of the grant money on April 24, 2018.

II. Request for Six Federally-Funded Positions

The **Wisconsin Elections Commission granted staff authority to explore and make purchases regarding security-related software and request the creation of six federally-funded positions at its April 18, 2018 meeting (at a cost not to exceed \$600,000 annually)**. Position authority may be granted through the §16.54 process and the hiring of the six project program positions will allow the WEC to implement and achieve the grant's goals and objectives, and to comply with the terms and conditions of this grant.

The Wisconsin Elections Commission requested the creation of 6.0 full-time equivalent 48-month federal project positions from the **Department of Administration (DOA)** on May 9, 2018. A draft position description for each position was submitted for consideration as part of the agency's request. If approved, these positions would be federally funded from June 1, 2018 – June 1, 2022. The six requested positions are as follows:

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

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

III. Technical Implementations

In addition to the ongoing support that the WEC provides local election officials, staff is also pursuing several different options to improve technical controls that secure access to WisVote and other critical systems. These are combinations of software and hardware that make it more difficult for malicious or simply careless actions to jeopardize the safety of WEC systems and data. The Commission approved the agency incurring expenditures regarding these technical upgrades at its meeting on April 18, 2018 and staff has provided updates on these projects below.

A. Multi-Factor Authentication

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

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called **Active Directory** to manage user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by DET. This setup allowed WisVote to launch in accordance with the 2016 deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it harder for WEC developers to

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

C. Clerk Emails

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

D. Centralization of Web Applications

The WEC provides access to several web applications for clerks and for the general public. Several of these systems have previously been designated as high-security systems and are maintained within the state network on virtual servers provided by DET. This setup affords them a high degree of initial security, including strong perimeter security, protection against bandwidth attacks (DDOS), top-tier endpoint security, third-party penetration testing, and more. However, some sites that had not previously been designated high security have been hosted by a third-party vendor. Based on a number of factors, including a reassessment of the impact of malicious modification of those sites, WEC staff has decided that those sites should be hosted on the state network as well. This change will require a significant amount of coordination with the current service provider to avoid disruptions during the transition, and staff expects to complete the transition this fall.

E. Vulnerability Scanning

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security for known vulnerabilities, and servers within the state network are regularly scanned by DET. However, DHS does not do internal scanning, and DET does not currently provide the agency with comprehensive reports regarding the results of scanning efforts. Staff has made arrangements with DET to increase the scope and accuracy of the internal scans, and to provide reports on the results directly to WEC staff for review. The first trial of this scan is expected to be complete by May 24.

IV. Local Election Official Security Training and Communications Update

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

A. Local Election Official Security Training

In March of 2018, Wisconsin Elections Commission staff attended an election security training and tabletop exercise hosted by the **Defending Digital Democracy project at Harvard Kennedy School of Government's Belfer Center in Boston, Massachusetts. At the event, WEC staff worked with election officials from across the United States to learn about election security best practices, as well as to participate in a tabletop exercise (TTX) that simulated potential real-life security-related events that can occur leading up to Election Day.**

The purpose of a TTX is to provide participants experience in election official roles different from their own and to make participants aware of the various types of potential incidents that could arise on Election Day. These incidents are scripted before being introduced into the simulation and cover a wide variety of topics and severity, ranging from weather-related issues that could potentially impact polling places, to larger cybersecurity incidents that would require working with IT professionals. Throughout the TTX, participants can test their continuity plans against the incident injects in a low-stress environment to determine their efficacy. In addition to creating and improving continuity plans, a goal of the TTX is for participants to see how they can successfully implement measures to prevent election security incidents from occurring.

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

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

B. Communications Plan

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

WEC staff will prepare communication materials and contingency plan templates that will be useful to clerks throughout the election administration process. Feedback from the recent election security survey that was sent to county clerks indicated that clerks have found WEC-produced templates and step-by-step guides helpful and efficient resources. **A security communications template and guide will be created by WEC staff that allows for the local election officials to quickly outline the appropriate contact information for resources in the event of a potential security question or incident. The goal of these guides and templates are to help local election officials have a high-level understanding of best practices when communicating during an incident, as well as to reinforce that WEC staff are a resource for clerks to contact if they have questions or need assistance in resolving an incident.**

C. Monitoring and Distributing Security Alert Information

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

V. Collecting Feedback from Key Election Security Partners

As WEC staff works on implementing security trainings and publishing guides for local election officials before the August and November elections, there are additional plans to implement a second phase to keep Wisconsin's elections safe and secure. WEC staff is currently in the process of creating an avenue for key election security partners such as DHS, DET, county clerks, municipal clerks, and members of the public to provide feedback on how the HAVA security funds should be spent.

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

In March, WEC staff sent a survey to county clerks to ask for information about their current election security programs before planning a statewide training program. A similar approach will occur after the

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

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

Personal Computer Security Checklist

Computer/Laptop Security

<input type="checkbox"/> Is your operating system up-to-date	<p>Windows and Apple operating systems will have settings that allow the automatic download of patches and updates. Allowing automatic installation of the updates is up to you, but at least enable to auto-download and notify.</p>
<input type="checkbox"/> Do you have an antivirus installed	<p>For Windows-based systems, Windows Defender is adequate. Avast is a highly-rated program with versions for multiple operating systems (Mac, Windows & Android). Kaspersky is also highly-rated but has been banned from Federal networks due to security concerns.</p> <p>As with your OS, make sure your antivirus remains up-to-date.</p>
<input type="checkbox"/> Are the applications you use up-to-date	<p>Not all programs have an auto-update option when a newer version is available and you may need to check on your own. If a developer no longer supports a program you use, consider finding a replacement.</p>
<input type="checkbox"/> Have you rebooted your computer recently	<p>While some updates don't require a restart to take effect, a majority will. For updates that require a restart, you will generally get a notification to this effect. If you leave your computer on when not in use, get in the habit of restarting on a regular basis to make sure everything is truly updated.</p>

<input type="checkbox"/> Is your information securely backed-up	<p>A new trend in malware is ransomware. These attacks will encrypt all the data on your hard drive and will demand payment to provide the decryption key. Without this key, your data is lost forever. If you have your data backed-up, you can wipe the hard drive and reinstall. There are online back-up services and you can also buy desktop hard drives to do the same – make sure the back-up is not connected to your computer or it will be encrypted as well.</p>
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Web Browser Security

<input type="checkbox"/> Do you have an ad-blocker installed	<p>Malicious advertisements are increasingly being used to infect computers. There are multiple, reputable, options for ad-blockers depending on the browser you are using. Adblock Plus is available for Internet Explorer, iOS, and Firefox. uBlock Origin is available for Chrome, Firefox, Safari, Opera, and Edge (Windows 10 browser).</p>
<input type="checkbox"/> Is your web browser up-to-date	<p>Yes, this is a theme. Browsers are updated to fix exploits and improve operation often. Enable automatic downloads of updates and restart your browser after installation.</p>
<input type="checkbox"/> Use private windows	<p>Most browsers will come with a privacy-browsing option: InPrivate browsing for IE, Incognito for Chrome, etc. Familiarize yourself with these options and use them when accessing sensitive information. Private windows prevent malicious code in other tabs from “seeing” or interfering with what you are doing in a private window.</p>

<input type="checkbox"/> Use https:// when available	<p>Https is a secure, encrypted connection from your computer to a website. Many services offer encrypted and unencrypted versions of their website and most will default to secure https when you are on the login screen. You can confirm if you are viewing the encrypted website by the presence of a green lock icon or seeing https in the web address. While https will not protect your information on an already-compromised computer, it will prevent someone from snooping on the connection between your computer and a website. If you do not see the green lock, you can manually enter https:// as part of typing a URL to force the secure connection if it is available. There is also an extension called HTTPS Everywhere that is available for Chrome, Firefox, Opera, and Edge that forces the use of the encrypted option on supported websites.</p>
<input type="checkbox"/> Disable Flash	<p>Flash is a popular vector to attack computers. If you cannot disable Flash, at least set it to “Ask first” – this will prevent flash from running automatically when a webpage loads. In most browsers this is a default setting, but check to make sure it is enabled.</p>

Password Security

<input type="checkbox"/> Don't reuse passwords	<p>The use of the same password across multiple services means if any of those services are compromised, hackers can get into those other accounts as well. Make sure every password is unique to the service/site you are using it for.</p>
<input type="checkbox"/> Don't answer security questions	<p>Security questions are often publicly available information – mother's maiden name, elementary school, etc. If the information is out there, someone can use it to “recover” your password without needing to place malware on your computer. If a site insists on providing such answers, don't answer truthfully.</p>

<p><input type="checkbox"/> Use multi-factor authentication when available</p>	<p>Many services are moving towards providing some sort of multi-factor authentication – Facebook and Gmail are such examples. The second authentication factor will prevent someone from accessing your information even if they have your username and password. In some cases, sites will notify you of the attempted login which will alert you to the potential compromise.</p>
<p><input type="checkbox"/> Use long passwords</p>	<p>Increasing password length from 8 characters to 9 increases the amount of time needed by an automated password cracker from minutes to hours. Adding a 10th character will up that time to days. It is highly recommended that you make sure passwords are 12 characters or more. Even if a website or service doesn't require special password security (symbols or numbers), get in the habit of doing so anyway.</p>
<p><input type="checkbox"/> Consider using a password manager</p>	<p>We choose poor passwords because we need to think of them and make them easy to remember. A password manager removes both of these concerns. There are secure online options like LastPass or 1Password that encrypt your passwords locally before saving them to the cloud. There are local password managers like Keepass that will save everything to your machine so you do not have to worry about cloud security, but you will need it separately on each device you use. You will still need a strong master password for access, it's easier to come up with and remember one strong password than fifteen.</p>

COUNTING VOTES AT THE PARTISAN PRIMARY

Statutory Authority

The information in this document was prepared by the staff of the Wisconsin Elections Commission and represents the staff's interpretation of the application of the law set out in Wis. Stat. § 7.50(2), to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions about the information contained in this document should be directed to the Wisconsin Elections Commission Help Desk at 608-261-2028 or via email at elections@wi.gov.

Public Counting

Counting votes is always done **publicly** after the polls close at 8:00 p.m. Vote counting is done by the election inspectors. The governing body of a municipality may also appoint tabulators to assist election inspectors with counting votes. Any person, including candidates at the election, may observe the counting of votes.

Voter Intent

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective, the election inspectors must attempt to determine the voter's intention. All inspectors must be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the election inspectors.

One common example of when a determination of voter intent must be made is when it appears an elector has overvoted an office on the ballot. If the majority of the inspectors agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If the majority of the inspectors agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote for that office only. A record is made on the Inspectors' Statement (EL-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted if voter intent can be determined.

Defective, Objected-to and Rejected Ballots

Whenever a ballot is found to be defective, is objected to, or is rejected, the ballot must be identified with a number and set aside. A notation must be made on the Inspectors' Statement (EL-104).

Defective Ballot: A ballot that is damaged, overvoted or otherwise difficult or impossible to determine voter intent.

Objected-to Ballot: A ballot on which one or more offices are defective and a minority of inspectors disagree with the intent determination of the majority.

Rejected Ballot: An absentee ballot which does not contain the signature of the voter and the signature and address of a witness. A ballot is also rejected if the certificate envelope contains more than one marked ballot of the same type.

Again, when there is a question on how a vote should be counted because the choice(s) is not clearly marked as prescribed by the instructions on the ballot, the decision is made by a majority of the election inspectors.

Counting Paper Ballots

Accuracy is essential when counting votes, especially when counting is done manually. Election inspectors should familiarize themselves with the proper procedures for counting votes marked on hand-count paper ballots as set out in the Counting Ballots section of the *Election Day Manual for Wisconsin Election Officials*. To alleviate fatigue and assure accuracy, all election inspectors and tabulators should be involved in counting votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted. There are examples of marked ballots with a special emphasis on handling write-in votes further on in this manual.

At a partisan primary, a voter may vote only in one party's primary. The voter marks only one party's ballot and deposits it in the locked or sealed ballot box. The unused ballots are placed in a locked or sealed discard box or container. When counting ballots, if two or more party ballots are folded together or a certificate absentee envelope contains more than one party ballot, examine the ballots carefully. If more than one ballot is marked, no ballot may be counted. The ballots are marked "crossover" and placed in the "Original Ballots" envelope. In the case of an absentee voter, the ballots are returned to the certificate envelope and marked "rejected-crossover."

Special Considerations Where Optical Scan (OS) Voting Systems are Used

Write-in Votes

Since the law does not require a voter to mark a square, arrow or oval to vote for a write-in candidate, care must be taken to assure that write-in votes are counted when the elector fails to mark a square/arrow/oval next to the write-in line, *if* the write-in vote is eligible to be counted. (See the Counting Write-in Votes section of this manual.) Likewise, it is equally important to ensure that write-in votes counted by the equipment are eligible to be counted.

The decision-making capability of optical scan equipment is limited. The voting equipment "decides" a vote based on its assessment of the marks placed on the ballot by the voter. The optical scan voting equipment will not "see" a write-in vote when the square/arrow/oval has not been marked. (Companies currently marketing OS equipment claim the ability to program the equipment to widen the optical eye path to include a name written in, but this feature has not been tested by the WEC). The OS voting equipment cannot differentiate between registered and non-registered write-in candidates, nor is it able to determine whether write-in votes are eligible to be counted. Therefore, inspectors must **examine each ballot** to determine if a write-in vote has been cast and if that vote has been counted properly or improperly. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

Adjusting the Machine Tape

In a case where a voter has marked the square/arrow/oval next to a ballot candidate and has also written in a name but did not mark the square/arrow/oval next to the write-in line, the equipment will "see" only the vote for the ballot candidate and record that vote. In this case, the

inspectors must adjust the machine tape to subtract one vote from the ballot candidate's total and then determine the eligibility of the vote for the write-in candidate. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials* and the "Write-in Votes" section of this manual.)

*Overvoted Ballots – If voter intent **can be determined***

When an optical scan ballot has been overvoted **but the intent of the voter can be determined, the ballot must be remade**. Two election inspectors transfer the votes onto a new ballot, duplicating the votes as they were marked by the voter on the original ballot, except that the office(s) that has been overvoted is marked to reflect the intent of the voter. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

*Overvoted Ballots – If voter intent **cannot be determined***

When an optical scan ballot has been overvoted **but voter intent cannot be determined**, the overvoted ballot is remade* by two election inspectors exactly as the voter marked the original ballot, except that the overvoted office(s) is left blank. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

*If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a ballot for which intent cannot be determined may be overridden. The voting equipment will not count votes for overvoted contests, but will count votes for all other properly marked contests.

Crossover Ballots

A crossover occurs when the voter has cast votes in more than one party and has not selected a party preference. No votes are counted for partisan contests in this case and the ballot must be remade or overridden.

The remade ballot is a blank ballot or only contains votes for non-partisan contests. As with overvoted ballots, the original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot (blank ballot) is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate (blank) ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a crossover ballot may be overridden. The voting equipment will not count any votes for partisan contests.

Whenever a ballot is remade or overridden, the action must be recorded on the EL-104 Inspectors' Statement.

For further instructions, see the "Processing Overvoted and Crossover Voted Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

WRITE-IN VOTES AT A PARTISAN PRIMARY

Determining Eligibility of Write-in Votes

Counting votes in an office where write-in votes are present can be complicated and requires a step-by-step approach to systematically separate which write-in votes are “eligible” for counting and which are “ineligible.” The following four principles will assist you in determining write-in vote eligibility and whether also marked ballot candidates can be considered.

The Four Principles of Counting Write-in Votes

1. If one or more ballot candidates of a specific party are listed under a given office—
Only votes for registered write-in candidates are eligible for counting.
2. If one or more ballot candidates of a specific party are listed under a given office, but one or more are deceased—
All write-in votes are eligible for counting.
3. If there are no ballot candidates of a specific party listed under a given office—
All write-in votes are eligible for counting.
4. If there is at least one write-in vote cast, (*regardless of the eligibility of the write-in vote*)—
No votes for ballot candidates may be considered.

Using this partisan primary ballot example, determine how this office should be counted by answering the four questions that follow the example. (The answers can be found in the four principles listed above.)

Sugar Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Pillsbury Dough Boy	
<input type="radio"/> Betty Crocker	
<input type="radio"/> Cookie Monster	
<input checked="" type="radio"/> <i>Grommet</i>	(Grommet is a registered write-

3 ballot candidates for a 1-seat office.

Question 1: How many votes is the voter entitled to cast? (Refer to the ballot instructions.)

- One. The instructions are “Vote for 1.” The voter has marked 4 candidates, which is 3 too many.

Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 1.)

- There is 1 position to be filled and 3 ballot candidates. Only votes for registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Grommet is a registered write-in candidate. The vote for Grommet is counted.
- The voter is entitled to no more votes.

Since Grommet’s vote has been counted, the following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.
- Ballot candidates may not be considered.

Final result:

- There are 4 votes marked for this office. The voter is only entitled to one vote.
- Only the write-in vote for Grommet is counted.
- The voting equipment has recorded this office as overvoted—no votes were recorded.
- No adjustment to the tape is required.

Note: *If Grommet were not a registered write-in candidate, the vote for Grommet would not be counted. And since there is a write-in vote for this Vote for 1 office, ballot candidates cannot be considered. In this case no votes would be counted.*

Here is another example that involves adjusting the machine tape:

Chocolate Chip Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Missy Fields	
<input checked="" type="radio"/> Chip Ahoy	
<input type="radio"/> Sugar Sprinkle	
<input type="radio"/> <u>Cocoa Bean</u>	(Cocoa is a registered write-in candidate.)

Question 1: *How many votes is the voter entitled to cast? (Refer to the ballot instructions.)*

- One. The instructions are “Vote for 1.” The voter has marked 1 candidate and written in a candidate.

Question 2: *Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 2.)*

- There is 1 position to be filled and 3 ballot candidates. Only registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Yes. Cocoa Bean is a registered write-in candidate. The vote for write-in candidate Cocoa Bean is counted.
- The voter is not entitled to any more votes.

The following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.

Final Result

Machine Tape

Governor

M. Fields 45
C. Ahoy 33 (-1)
S. Sprinkle 15
wr-in 0 (+1)

- The write-in vote for Cocoa Bean is counted.
- The voting equipment has recorded a vote for the ballot candidate, Chip Ahoy.
- The inspectors must adjust the tape by subtracting a vote from Chip's total.
- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

More examples of counting vote for offices that contain write-in votes and involve adjusting the tape may be found at the end of this manual.

Write-in Vote Irregularities

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the inspectors to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Below are several general examples of write-in vote irregularities. These examples include, but are not limited to, general situations for all elections. Following the General Situations are examples specific to counting votes at the partisan primary.

General Situations

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted. Example: The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.

4. Only the last name of a person is written in. Count the vote if--
 - the person is a registered write-in candidate, and/or
 - the intent of the voter can be reasonably determined.

5. The voter wrote in a name but did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line--
 - No mark is required next to the write-in line to cast a write-in vote. If the write-in vote is eligible, it is counted.

6. A voter writes in the name of a registered write-in candidate **under an office other than the one for which the candidate is registered**--
 - The vote is counted for the office under which the name is written if:
 - The office under which the name is written has no ballot candidates or one or more ballot candidates is deceased, **and**.
 - The office under which the name is written is the same party in which the registered write-in candidate is running.

7. A name is written in **the margin**, rather than in an office space--
 - If the person whose name is written in is a registered write-in candidate, the name counted as a vote for the write-in candidate in the office and party in which he or she is registered.
 - If the name is that of a ballot candidate, the vote is counted for the candidate in the office and party for which he or she is registered.

8. The voter **marks the ballot for a name that is printed on the ballot and writes in another person's name for the same office**--
 - If the write-in vote is deemed eligible, the write-in vote is counted. The vote for the ballot candidate is not counted. (*See Principles 1 and 4 in the Determining Eligibility of Write-in Votes section.*)

9. The name of a Party X registered write-in candidate is written in under Party X, but for an office other than the one for which the candidate registered.
 - The write-in vote counts for the person for the office where the name is written, if there are no ballot candidates for the office or one or more ballot candidates is deceased. (*See Principles 2 and 3 in the Determining Eligibility of Write-in Votes section.*)

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
2. A name is written on the endorsement (back) side of a paper ballot.
3. The instruction on the ballot is "**Vote for one**," and the name of more than one person has been written in for a single office--
 - This is an overvote. No votes are counted for that office.

4. The instruction on the ballot is "**Vote for One**," and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office--
 - This is an overvote. No votes are counted for that office.

Ballot Candidates as Write-ins

A write-in vote for a ballot candidate is always counted if it is written in under the office where the name is printed on the ballot. If a voter marks a ballot candidate’s name and writes in the same ballot candidate’s name for the same office, one vote is counted for the ballot candidate.

When a ballot candidate’s name is written in under an office other than where the name is printed on the ballot, *the vote may be counted if the office where the name is written—*

Election Type	Has fewer ballot candidates that positions to be filled, or one or more ballot candidates is deceased.	Is under the same party where the name is printed on the ballot.
Nonpartisan		
Spring Primary	X	
Special Primary	X	
Spring Election	X	
Special Election	X	
Partisan		
Partisan Primary	X	X
Special Primary	X	X
General Election		
Special Election		

PARTY PREFERENCE

Each ballot-status party in Wisconsin holds a primary on the 2nd Tuesday in August of an even-numbered year. Though the primaries are conducted on the same day, each party’s primary is considered a separate election event. At the partisan primary, a voter may choose ONE party’s primary in which to vote. By voting in a party’s primary, the voter is participating in the nomination process for candidates of that party.

There are several methods by which a voter selects the party in which he or she will vote.

Where hand-count paper ballots are used, the voter identifies their party preference when he or she chooses **one** party ballot on which to vote. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked “discard” box.

Where optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking a party preference. Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover. Selecting a party preference preserves the votes cast in the preferred party, while not counting votes cast in another party.

Voters do not always vote in the manner prescribed by law and as provided in the instructions on the ballot. A voter will often vote in more than party, either by mistake, misunderstanding or in a deliberate attempt to frustrate the purpose of the primary.

Before we get to examples of crossover voting and how to treat them, let's first review several rules regarding counting votes at a partisan primary.

- A. Selecting a party preference will preserve the votes cast in the preferred party even if the voter crosses over and votes in another party.
- B. Casting votes for candidates of only one party, is the same as selecting a party preference.
- C. If no party preference is selected, and the voter **marks more than one party's ballot**, no votes will count.
- D. If no party preference is selected, and the voter **marks only one party's ballot**, but on that same party ballot writes in the name of a ballot candidate or registered write-in candidate of another party, all votes are counted except the write-in vote.
- E. **Regardless if a party preference is selected**, the name of a ballot candidate or registered write-in candidate of Party X written on a Party Y ballot will never count.
- F. **Within the same party**, a voter may write in the name of a ballot candidate or registered write-in candidate for an office under a different office.

Count Write-in Votes at a Partisan Primary When:

(The following scenarios presume a write-in vote is eligible to be counted.)

1. **The voter has selected a party preference.** The voter casts votes in the preferred party and then marks candidates in another party--
 - The votes cast in the preferred party are counted. **Rule A**
2. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the party selected and writes in, on the that same party ballot, the name of a person who appears as a ballot candidate on a different party ballot--
 - All votes are counted except for the write-in vote. **Rules A, B and E**
The voter has not physically voted on more than one party's ballot.
The voter benefits from the party preference safety net.
3. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the selected party and then writes in a name on another party's ballot--
 - The votes cast in the selected party are counted. **Rules A and E**
 - The name written in on the other party ballot does not count.
Although the voter has physically voted on more than one party's ballot, he has benefitted from the preferred party safety net.
4. **The voter has not selected a party preference** but has voted for candidates of only one party. The voter writes in, on that same party ballot, the name of a person who appears as a ballot candidate in a different party--
 - All votes are counted except for the write-in vote. **Rules B, D and E**
The voter has not physically voted on more than one party's ballot.

5. A candidate's **name is printed on a party ballot** for one office, and the voter writes in that candidate's name for a different office **on the same party ballot**—
 - The vote is counted for the person for the office where the name is written. **Rule F**
6. The name of a registered write-in candidate is written in under an office other than the one for which the candidate registered, but in the same party for which the candidate registered--
 - The vote counts for the write-in candidate for the office where the name is written. **Rule F**
7. The name of a registered write-in candidate is written in under the office for which the write-in candidate is running, but in a different party--
 - The write-in vote is not counted. **Rule E.**

Do Not Count Write-in Votes at a Partisan Primary When:

1. **The voter has selected a party preference.** On the face of the ballot, in no party or office space, the voter writes the name, office and political party of a ballot candidate or registered write-in. The political party the voter has written is **different from the preferred party the voter selected** --
 - The vote is not counted. Any votes cast in the preferred party are counted. **Rules A and E**
The voter has voted on more than one party's ballot but has benefitted from the party preference safety net.
2. **The voter has not selected a party preference.** The voter casts votes for candidates on one political party's ballot, and then votes for a candidate on another party's ballot or writes in a name on another party's ballot—
 - No votes are counted. **Rule C**
The voter has physically voted on more than one party's ballot without the benefit of the party preference safety net.
3. The name of a registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement--
 - The vote is not counted. **Rule E**
7. A candidate's name is printed on a party ballot for an office and the voter writes that candidate's name under a different office on a different party ballot. --
 - The vote is not counted. **Rule E**

Here are a few more ballot examples:

Partisan Primary Write-in Vote Examples

All write-in names are assumed to be eligible to count.

<p>Example 1</p> <p>Party Preference</p> <ul style="list-style-type: none"><input type="radio"/> Country<input checked="" type="radio"/> Motown<input type="radio"/> Rock 'n Roll <p>Country Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Tammy Wynette<input type="radio"/> Donna Fargo<input checked="" type="radio"/> Robert Plant <p>Motown Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Diana Ross<input checked="" type="radio"/> Levi Stubbs<input type="radio"/> Tammy Wynette <p>Rock 'n Roll Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input checked="" type="radio"/> Eddie Vedder<input type="radio"/> Robert Plant<input type="radio"/> _____	<p>The voter has chosen Motown as the party preference. Choosing a party preference preserves votes cast in that party.</p> <p>Analysis:</p> <p>The write-in vote in the country party is not counted because the voter chose Mowtown as the preferred Party and because voter wrote in a ballot candidate from the Rock 'n Roll Party.</p> <p>In the Mowtown party, the voter has written in a Country Party ballot candidate (Tammy Wynette). The vote is not counted. Choosing a party preference preserves votes cast in that party, but not when a voter tries to force a Country singer to sing Motown.</p> <p>The vote for Motown ballot candidate Levi Stubbs is not counted either because of the write-in, even though the write-in wasn't counted.</p> <p>The vote for Rock 'n Roll Party ballot candidate, Eddie Vedder is not counted because the voter chose Motown as the preferred party.</p> <p>Result: No votes are counted.</p> <p>Effect on machine tape: Because the voter chose a party preference, the OS equipment scanned the only the Motown Party section. The equipment recorded a vote for Levi Stubbs, which must be subtracted on the tape.</p>
---	--

Example 2

Party Preference

- Country
- Motown
- Rock 'n Roll

Country

Representative to the Assembly

Vote for 1

- John Smith

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Diana Ross
- _____

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Eddie Vedder
- Robert Plant
- _____

The voter has chosen the Rock 'n Roll Party. Choosing a party preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party because the Rock n' Roll Party has been selected.

There were no votes cast in the Motown Party.

The vote for Rock 'n Roll ballot candidate Eddie Vedder is counted.

Result: Only Eddie's vote for Rock 'n Roll Assembly is counted.

Effect on machine tape: None. The Rock 'n Roll party was selected as the voter's preference. The OS machine only scanned the preferred party and recorded the vote for Eddie.

Example 3

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- Jim Morrison

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- ~~Patty LaBelle~~
- Jim Morrison
- Keith Moon

State Senator

Vote for 1

- Roger Daltrey
- Keith Richards
- Jay Black
-

(Keith Moon is a registered write-in candidate.)

The voter has chosen the Rock 'n Roll Party. Choosing a party preference preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party, because the Rock 'n Roll Party has been chosen as the voter's preference.

Rock 'n Roll Party (The preferred party)

Office of Rep. to the Assembly:

There is a write-in candidate for Assembly (registered write-in candidate Keith Moon). Keith's vote is counted, and the vote for Keith cancels the vote for ballot candidate, Patty.

State Senator

The voted for ballot candidate Roger Daltrey is counted.

Result: The write-in vote for write-in candidate Keith Moon for Assembly is counted. The vote for Patty LaBelle is not counted. The vote for Roger Daltrey for Senate is counted.

Effect on machine tape: The OS equipment scanned only the preferred party (Rock 'n Roll) and counted the vote for Patty LaBelle for Assembly. The write in vote for Keith Moon was not recorded. In the office of Rep. to the Assembly, subtract a vote from Patty LaBelle and add a write-in vote for Keith Moon.

Example 4

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly Vote for 1

- Miranda Lambert
- ~~Tammy Wynette~~
- Donna Fargo
- ~~Jim Morrison~~

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- _____

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black
- _____

The voter has not chosen a party preference.

The voter has marked candidates in only one party (**Country**).

Analysis:

Jim Morrison, a Rock 'n Roll Party ballot candidate for assembly has been brought over to the Country Party as a write-in candidate to masquerade as a Country singer (yeah, right). Jim Morrison's vote for Congress in the Country Party is not counted.

The presence of a write-in vote in an office means a vote for a ballot candidate in that office cannot be counted, even if the write-in cannot be counted either. The vote for Tammy for Assembly is not counted.

Tammy Wynette is a Country Party ballot candidate for Assembly. Her name has been written in for State Senator in the Country Party. Since the voter has written in Tammy for a different office but in the Same Party, Tammy's vote in the office of State Senator is counted.

No votes were cast in the Rock 'n Roll Party

Result: No party preference was selected, but the voter's marks are confined to the Country Party; no marks were made in any other party. The voter's attempt at making a country singer out of Jim Morrison backfired. Not only could the write-in vote for Jim be not counted, but it also cancelled out Tammy's vote in that office.

Effect on machine tape: None. In the Country Party Assembly contest, the ovals of a ballot candidate and a write-in were marked. The OS equipment saw it as an overvote and did not record a vote. The write-in vote for Country Party Senator was picked up by the equipment.

Example 5

Party Preference

- Country
- Rock 'n Roll
- Opera

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
-

State Senator

Vote for 1

-

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black

Opera Party

Representative in Congress

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- Beverly Sills

State Senator

Vote for 1

- Luciano Pavarotti
- Maria Callas
- Renee Fleming
- Beverly Sills

The voter has not chosen a party preference.

No votes were cast in the Country Part.

The voted primarily in the Opera Party, but crossed over by writing in a name on the Rock 'n Roll ballot.

In the Opera Party:

In both offices, an Opera Party ballot candidate has been written in both offices. Had the voter not crossed over to write in on the Rock 'n Roll party ballot, the vote for Beverly Sills for Congress would have counted (once). The vote for Beverly for Senate would not have been counted because Beverly is not a registered write-in candidate for that office.

Result: No votes count because no party preference was selected and there are votes in two parties.

Effect on machine tape: The OS machine saw only the votes in the Opera Party because the oval was not filled in next to Jay's name in the Rock 'n Roll Party. Jay's write-in vote was not recorded.

The OS equipment would have seen the two filled in ovals for Opera Party Congress as an overvote and no votes would have been recorded for that office.

For Opera Party State Senator, a write-in vote would have registered on the tape. Adjust the tape to subtract the write-in vote.

Example 6

Party Preference

- Country
- Opera
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- _____

State Senator

Vote for 1

- ~~Shirley Reeves~~

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- ~~Robert Plant~~

State Senator

Vote for 1

- Roger Daltry
- Keith Moon
- Jay Black
- ~~Jimmy Page~~

(Robert Plant is a registered write-In candidate. Jimmy Page is not.)

The voter has chosen the Country Party. Choosing a party preserves the votes cast in that party.

Country Party

The Country Party is the preferred Party. The vote for Donna Fargo for Assembly in the Country Party is counted.

Once again, an effort to convert a Rock 'n Roller (Shirley) to a Country singer fails. Since the office of Senator has no ballot candidates, ordinarily any a write-in vote would be counted, but not when it is a candidate of another party.

Rock 'n Roll Party

The Country Party is the preferred party, so no votes are counted in the Rock 'n Roll Party. If the preferred party were the Rock 'n Roll party, The write in vote for Robert Plant for Assembly would have counted. The write-in vote for Jimmy Page would not because he is not a registered write-in.

Result: Only the vote for Donna Fargo for Assembly is counted.

Effect on machine tape: None. The OS equipment scanned only the preferred party (Country) and recorded the vote for Country Party Assembly candidate, Donna Fargo. No votes were counted in the Rock 'n Roll Party because it is not the preferred party.

Example 7

Party Preference

- Country
- Rock 'n Roll
- Opera
- Motown

Country Party

Representative in Congress

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
-

State Senator

Vote for 1

-

Rock 'n Roll Party

Representative in Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
-

Opera Party

Representative to the Assembly

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- ~~Freda Payne~~

State Senator

Vote for 1

- Enrico Caruso

Freda Payne and Enrico Caruso are not registered write-ins.

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Freda Payne
- Gladys Knight
-

State Senator

Vote for 1

- Barry Gordy
- Stevie Wonder
- Marvin Gaye
-

The voter has chosen the Opera Party.

Analysis:

The voter has voted for an Opera Party ballot candidate for Assembly, (Beverly) and has also written in Freda Payne.

Freda's vote cannot be counted because she is not a registered write-in and there are ballot candidates. Because of the vote for Freda, Beverly's vote cannot be counted either.

Opera ballot candidate for Assembly (Caruso) has been written in for Opera Senate. Enrico's write-in vote is counted because he is a candidate for the Opera Party and there are no ballot candidates for Opera Senate, so Enrico doesn't need to be a registered write in for Senate.

Result: The write-in vote for Enrico Caruso is the only vote that counts on this ballot.

Effect on machine tape: In the Opera Party, the ovals next to Beverly Sills and write-in Freda Payne have been filled in. The OS equipment sees this as an overvote and no votes are recorded.

The oval next to write-in Enrico Caruso was not filled in and was not picked up by the equipment. A vote should be added to the write-ins for Opera Senator.

Canvass Process

Purpose of the Canvass

- The purpose of the canvass process is to review and certify the results of primaries and elections and to make the official determination of the outcome of state, county or local election events.
- The canvass process should be designed to identify incorrect vote totals and correct those results before certification
- Results should be proofed before submission so that errors can be identified and corrected before certification.
- Recounts should not be the mechanism where election results are corrected!

Duties of the Municipal Clerk

- ▶ Publish a 24-hour open meeting notice and notify the MBOC of the time and location of the meeting
- ▶ Publish a 24-hour open meeting notice for the meeting of the Local Board of Canvassers (LBOC) to perform certain duties, such as reconciling poll lists and counting votes

Duties of the Municipal Clerk

- ▶ Provide MBOC with all necessary materials
- ▶ Enter provisional ballot information into the Provisional Ballot Tracking System (or deliver to WisVote provider)
- ▶ Post the number of provisional ballots on the Internet
- ▶ Take minutes of the MBOC meeting or delegate this duty
- ▶ Transmit the EL-123r to the clerks of any affected level of government
- ▶ After the 4 pm Friday deadline, transmit the final EL-123r forms to the clerks of any other affected level of government

Municipal Board of Canvassers (MBOC)

- ▶ Election results are not complete until certified by the Board of Canvassers
- ▶ Required only for municipal offices or referenda
- ▶ Municipalities with only one reporting unit
 - Election inspectors constitute the Board of Canvassers
- ▶ Municipalities with more than one reporting unit
 - Municipal clerk and two other qualified electors of the municipality appointed by the clerk



Timeline of the MBOC

- ▶ Municipalities where the election inspectors comprise the MBOC
 - When municipal offices and/or municipal referenda are on the ballot, must conduct the canvass on election night
 - Inspectors must reconvene as the MBOC no later than 9 am the Monday following the election to process any provisional ballots
- ▶ Municipalities where the clerk and two others comprise the MBOC
 - When the clerk and two other electors appointed by the clerk serve as the MBOC, the canvass must begin no earlier than the time that the MBOC receives all returns from all polling places on election night and no later than 9 am the Monday following the election

Canvass Report

- ▶ The MBOC must complete the Canvass Report (EL-106)
- ▶ Tabular Statement
 - Lists all votes received by each municipal reporting unit for a particular office
- ▶ Summary Statement
 - List vote totals cast for each office
- ▶ Certification Statement
 - Signed by the MBOC that all canvass documents are true and correct



EL-106

Tabular Statement of Votes Cast

_____, WI
(insert municipality and county, if county cases insert county only)

(type of election) _____ Election - _____ (date of election)

(If no County Use Only)

For a Partisan Primary, insert political party _____

Office:		
Reporting Units:	Candidates:	Scattering <small>(for Counties only)</small>

Verify Tamper-Evident Seals

- ▶ The MBOC shall verify that the tamper-evident serial numbers from the voting equipment have been recorded on the Inspectors' Statement (EL-104)
- ▶ Members to verify five (5) Inspectors' Statements or 10% (whichever is greater) of the total statements that have been initialed by the Chief Election Inspector.
- ▶ Noted in minutes

Processing Provisional Ballots

- ▶ The MBOC must meet to tally any provisional ballots
 - This must occur no later than 9:00 a.m. the Monday following the election, but may begin as soon as all outstanding provisional ballots are accounted for.
 - If there are no outstanding provisional ballots, the MBOC proceeds normally to certify tallies or canvass as required.
 - The MBOC does not need to reconvene if the clerk certifies that no provisional ballots were received from the time of the initial canvass and 4 pm the Friday after the election.
- ▶ Municipalities with only one reporting unit may use a "mini-MBOC" to tally provisional ballots
 - This mini-MBOC consists of the clerk, chief inspector and one other inspector
- ▶ A Canvassers' Statement is NOT required unless you are determining local offices

EL-106P

STATEMENT OF THE MUNICIPAL CLERK
IF NO PROVISIONAL BALLOTS WERE REHABILITATED BETWEEN 6 P.M.
ELECTION NIGHT AND 4 P.M. ON THE FRIDAY AFTER THE ELECTION

Reconciliation of Provisional Ballots Processed

(Name of Primary or Election) Reporting Unit: (If only in Reporting Unit)

No provisional ballots were rehabilitated. Election night results stand.

CERTIFICATION OF MUNICIPAL CLERK
(By Municipal Clerk, immediately after election)

I, the undersigned, certify that I am the Municipal Clerk for _____

I certify that no provisional ballots were rehabilitated after the close of the polls and before 4 p.m. on the Friday after the election. I further certify that the results of the municipal election certified on Election Night by the Municipal Board of Canvassers are the official election results.

_____, Clerk (Date)

Routing Materials



Materials should be separated as follows:

Municipal Clerk

- Municipal Ballots
- Tally Sheet original and copy of voting machine tape, if any
- Record of Activity (EL-104P)
- Absentee Ballot Log (EL-124)
- Provisional Ballot Reporting Form (EL-123r)
- Statement of the MBOC (EL-106P)
- Statement of the Municipal Board of Canvassers (EL-106), if required.

Routing Materials (con't)

School District Clerk

- School District Ballots (if separate ballots)
- Tally Sheet original of any school district offices and copy of voting machine tape, if any
- Certified copy of the Inspectors' Statement (EL-104)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the signed poll list

Routing Materials (con't)

County Clerk

- Ballot Containers with all federal, state, county and tech college ballots
- Cured Provisional ballots sealed in a separate container
- Election night provisional ballots resealed in the original ballot bag
- Rejected Absentee Ballots Envelope (EL-102)
- The Used Absentee Certificates Envelopes Envelope (EL-103)
- The Used Provisional Certificate Envelope
- Original tally sheet of federal, state, county and tech college offices and/or referenda and one copy of the voting machine tape, if any
- Certified copy of the Record of Activity (EL-104P)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the Statement of the MBOC (EL-106P)

Reporting and Posting Election Night Unofficial Results

- ▶ The county clerk's office must remain open to receive and post results on election night
- ▶ The county clerk should develop and document procedures for making results public
- ▶ Election results must be posted on the county website by reporting unit
- ▶ Other suggestions for making results public
 - Posted outside of office or in media area using tally sheets, machine tapes, etc.

Delivery of Election Materials to the County Clerk

- ▶ The municipal clerk ensures that materials are delivered to the county clerk no later than 4 pm the day following the election.
 - Municipal Returns Checklist sample
- ▶ Before the canvass meeting, sort materials, examine for completeness and flag any errors
- ▶ If any returns are so informal or defective that the board will not be able to intelligently canvass them, direct the municipality to remedy defects

WISCONSIN ELECTIONS COMMISSION

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JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: June 13, 2018

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Meagan Wolfe, Interim Administrator
Richard Rydecki, Elections Supervisor
Michael Haas, Staff Counsel

SUBJECT: **Important Ballot Deadlines, Changes to Overseas Voting and Webinar Announcement**

This memorandum outlines two immediate changes that local election officials are required to make pertaining to temporary overseas electors, reviews important absentee ballot deadlines, and outlines additional training resources.

Changes Related to Temporary Overseas Electors

Effective for the 2018 Partisan Primary, temporary overseas electors have the right to receive an absentee ballot electronically and they may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. The U.S. Department of Justice has authorized a lawsuit against the State of Wisconsin due to differences in the federal and state statutes related to the definition of overseas electors. To resolve the discrepancy and the litigation, the Wisconsin Elections Commission and the Wisconsin Department of Justice are executing a consent decree with the federal government to permit temporary overseas electors to receive a ballot electronically and to use the FWAB to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices.

Additional information regarding recent developments and the legal issues involved is contained in the attached Commission staff memo to the Commission. In short, Wisconsin Statutes create a distinction between Wisconsin voters who are overseas permanently and have no intent to return to Wisconsin, and those who are out of the country on a temporary basis and do intend to return to the state. Temporary overseas electors may be traveling overseas on a short vacation or working on a short- or long-term basis in another country. Regardless of the length of their stay overseas, these voters are considered temporary overseas electors if they have an intent to return to Wisconsin. They may cast votes for all offices on the ballot, unlike permanent overseas electors who may vote only in contests for federal offices.

Temporary overseas electors are currently treated the same as regular absentee voters. There is no space on the voter registration application or the absentee ballot request form to identify themselves as temporary overseas electors and they are not categorized separately in WisVote. Clerks may not even realize these voters are overseas if they have asked for a ballot to be transmitted by fax or email. Under Wisconsin Statutes, clerks may not transmit a ballot to temporary overseas electors electronically, although the federal court order in the *One Wisconsin Institute* case has modified that rule so that clerks have the option to transmit ballots electronically to any absentee voter. Also, they have not been tracked as part of the absentee ballot data that the Commission has collected and transmitted to the U.S. Department of Justice to ensure that military and overseas electors have sufficient time to obtain and return absentee ballots.

Under the new federal court consent decree, if a voter self-identifies as a temporary overseas elector (having an intent to return to Wisconsin), the municipal clerk must transmit an absentee ballot electronically if the elector has requested that method of transmission. Please note that absentee ballots cannot be transmitted to temporary overseas electors through MyVote and WisVote because these voters remain subject to the Photo ID requirement which requires the clerk to first review the photo identification or confirm that one is already on file for that elector. Therefore, absentee ballot can be electronically transmitted to temporary overseas electors only by email or fax.

The second change required by the new federal court consent decree is that temporary overseas electors may now use the Federal Write-In Absentee Ballot (FWAB) to cast their votes, just as permanent overseas electors may now do. The FWAB is a backup ballot which overseas electors may download, write in candidates, and submit to their municipal clerk, and which is counted if the elector does not have time to obtain and return an official ballot. Wisconsin clerks typically receive relatively few FWAB's and temporary overseas electors are currently permitted to use them as an absentee ballot application, but not as an actual ballot. The FWAB may be viewed on the website of the Federal Voting Assistance Program in the U.S. Department of Defense at this link: <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>.

Finally, because the federal government's definition of overseas electors includes temporary overseas electors, the requests and absentee ballots of temporary overseas electors must be tracked for federal elections in the same way that ballots for permanent and overseas electors have been tracked in recent elections cycles. The reporting process is outlined below.

Please note that the rules regarding the type of ballot issued to permanent and overseas electors are not changing. Permanent overseas electors are still restricted to the federal-only ballot, while temporary overseas electors and military electors are entitled to vote for all offices.

As part of the consent decree, the WEC will provide guidance to clerks and voters, alter forms and instructions, and publicize the changes on the agency website and through a press release distributed to organizations which work with overseas electors. The changes required under the consent decree were included in legislation which passed the Assembly but did not pass the Senate in the last legislative session. The Commission will work with the Legislature and expects that the terms of the consent decree will be incorporated into future legislation.

Upcoming Ballot Deadlines for Military and Overseas Voters

Federal and state law require that you send absentee ballots to your military and overseas electors with requests on file in accordance with the deadlines set forth below. Military, Temporary Overseas and Permanent Overseas voters may request to receive their ballot via email or fax and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Any requests received after the federal deadline on June 30, must be honored within 24 hours and the ballot must be sent by the method requested by the voter.

Reminder:

1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, June 28, 2018, you MUST send them the requested ballot no later than

Thursday, June 28, 2018.

2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on June 29 or June 30, 2018, you MUST send them the requested ballot no later than

Saturday, June 30, 2018.

In the past, there were lengthy absentee ballot reporting requirements that municipalities and the State were required to complete for the U.S. Department of Justice (USDOJ). The reporting requirements were a result of legal action taken by a federal court due to non-compliance with the deadlines by numerous Wisconsin municipalities. While we are not currently subject to these same reporting requirements, the USDOJ has again asked Wisconsin, along with all other states, to track and report information concerning all military and overseas (both permanent and temporary) absentee ballots to ensure that they are issued in accordance with the federal deadlines. Strict compliance with ballot delivery and ballot tracking deadlines will increase our ability to avoid future legal action.

Whenever any absentee ballot is requested, issued, or received, municipalities must record this information in WisVote within 48 hours. Relier municipalities have 48 hours to forward absentee ballot information to their WisVote Provider, who has an additional 24 hours to record the information. These requirements mean it is no longer sufficient to only enter absentee ballot data into an absentee log. The data must be entered into WisVote within the required timeframes.

Military and Overseas Voting Webinar

Wisconsin Elections Commission staff will be hosting a training webinar on June 20, 2018 to discuss the details of changes made to the Temporary Overseas elector procedures and outline the ballot transmission deadlines for the August 14, 2018 Partisan Primary. The webinar details are as follows:

August Primary Ballot Deadlines and Changes to Overseas Voting

June 20, 2018, 10:00 a.m. – 11:00 a.m.

Registration Link:

<https://attendee.gotowebinar.com/register/3288575898407084033>.

The Partisan Primary is a federal election that requires strict adherence to federal and state laws regarding absentee voting by military and overseas voters. Recent legal action by the federal government now requires clerks to honor requests from voters who are temporarily overseas to receive a ballot via email or fax. Temporary Overseas voters can also use the Federal Write-in Absentee Ballot (FWAB) as both a ballot request and a write-in ballot. This webinar will also discuss clerk responsibilities for the upcoming June 2018 ballot deadlines for military and overseas voters and provide information about ballot delivery methods and instructions for sending ballots via email and fax.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors can cast their ballots. We feel confident, that with your cooperation, all military and overseas voters from Wisconsin will receive their ballot on or before the deadlines for the August 14, 2018 Partisan Primary and that we will be able to promptly submit the required absentee ballot data to the USDOJ.

If you have any questions about the changes to the requirements, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC helpdesk at elections@wi.gov or (608) 266-8005.

2018 UOCAVA Ballot Deadlines for August and November Elections

August 14, 2018 Partisan Primary		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, June 27, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, June 28, 2018	Thursday, June 28, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, June 30, 2018	Saturday, June 30, 2018 (45 days prior to the election)
November 6, 2018 General Election		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, September 19, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, September 20, 2018	Thursday, September 20, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, September 22, 2018	Saturday, September 22, 2018 (45 days prior to the election)

To help clarify the UOCAVA absentee deadlines for the August 14, 2018 Partisan Primary, we are providing the following scenarios. Please use these scenarios as a reference for sending out absentee ballots to your UOCAVA voters.

Scenarios for Thursday, June 28, 2018

Deadline 1: State UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year or only for the August 14, 2018 Partisan Primary. The request is received by the clerk after June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on Tuesday, July 3 at noon you must send the ballot no later than Thursday, July 5 at noon (July 4 is a state holiday). But see the exception under Scenarios 1 and 2 of the Federal Deadlines guide below for requests received on or before June 30, 2018.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenarios for Saturday, June 30, 2018

Deadline 2: Federal UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk after June 30, 2018.

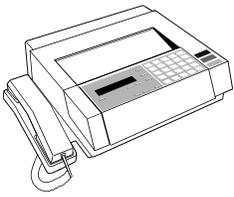
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on a Friday at noon, you must send the ballot no later than Monday at noon.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 30, 2018.

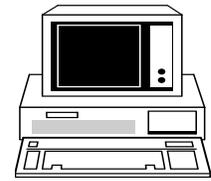
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 4: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk after June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day from receiving the request. For example, if you receive the voter's request on a Monday, you must mail, email, or fax the ballot no later than Tuesday.



Faxing or E-mailing Absentee Ballots



All voters can request to have an absentee ballot emailed or faxed to them. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

REQUEST

- **Review the written request for an absentee ballot from a qualified elector.** The absentee application request may be on the form prescribed by the Wisconsin Elections Commission (WEC) (Application for Absentee Ballot EL-121) or may be in the form of a letter, email or fax that contains the information needed for an absentee ballot request. Remember, the request must be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the MyVote Wisconsin website: MyVote.wi.gov. You will receive an email notification when the voter makes their request through MyVote.
- **All voters may receive their absentee ballot by mail, email or fax.** However, clerks must honor email and fax requests from Military, Temporary Overseas and Permanent Overseas voters. Military, Permanent Overseas, indefinitely confined, and confidential voters do not need to provide a photo ID with their request. Regular and Temporary Overseas voters must provide a photo ID with their absentee ballot request.
- After determining that the elector is qualified to receive an absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

FAXING

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Certification Envelope](#) along with the [Uniform Instructions for Absentee Voters](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. A U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.
- When faxing to military and overseas voters (temporary and permanent), follow procedures set out in [Fax & Email Guidelines](#) provided by the Federal Voting Assistance Program.

E-MAILING

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.

- Email the initialed ballot and the face of the [Absentee Ballot Certificate](#) along with the [Uniform Instructions for Absentee Voters](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. An U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

RETURN

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot.
- The USPS recommends that ballots be mailed at least one week prior to the date of the Election to arrive on time. If the ballot is returned from overseas, the ballot should be mailed earlier.

DOCUMENTATION

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk's office, the municipal clerk or their WisVote Provider records the information in WisVote. The clerk ensures the certificate is attached to the envelope holding the ballot. If the certificate is not attached, the clerk uses tape or glue to affix the certificate to the envelope. If the voter did not seal the ballot in an envelope as directed, the clerk encloses the ballot in a certificate envelope and affixes the completed certificate. The clerk delivers the ballot to the appropriate polling place in a carrier envelope.
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors so the ballot is accepted by electronic tabulating equipment.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: March 13, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Pilot Program Details

Introduction

The Badger Book will be used in 5 polling locations for the Spring Election on April 3, 2018. Staff seek to evaluate the performance and usability of the Badger Book e-poll book software and determine how it interacts with hardware selected by staff. The pilot program will provide the opportunity to gather feedback and make improvements before making the system available statewide for the August and November elections.

Software Features and Hardware Configurations

Staff determined three main functions that the Badger Book will cover: checking in a voter, processing an absentee ballot, and registering a voter. In addition, the software will support the redirection of voters who attempt to vote at the wrong polling place, capture misspelling notes on a voter record, direct a poll worker to offer provisional voting opportunities in appropriate situations, and allow local elections officials to print necessary reports for post-election activities. These features will be supported by a barcode scanner which will have the ability to search for the voter by name during the check in process and for an absentee ballot by the mailing ID listed on the absentee ballot return envelope.

When the voter data is downloaded from WisVote and transferred to the USB to be loaded onto the Badger Book, all poll book information will become encrypted. Voter data will then only be accessible to those with a login to the Badger Book system. The Badger Book devices will not be connected to the internet on Election Day.

Two configurations for hardware will be used during the pilot in the Spring Election:

1. The City of Brookfield and City of Mequon will use the Point of Service configuration. Each Badger Book station will include:

- ELO PC all-in-one with a 15-inch monitor (election inspector facing)
 - 10-inch ELO touchscreen monitor (voter facing)
 - Printer stand
 - Wireless keyboard
 - Wireless mouse
 - Thermal receipt printer
 - Barcode scanner
2. The Town of Trenton, City of Sun Prairie, and City of Beloit will use the tablet-based option. Each Badger Book station will include:
- HP 2 tablet
 - Swivel base
 - USB hub extender
 - Wireless key board
 - Wireless mouse
 - Thermal receipt printer
 - Barcode Scanner

Participants

The pilot will take place in 5 polling locations. Staff has been in regular contact with the selected locations since November 2017. As part of participating in the pilot, clerks agreed to these stipulations:

1. The polling location must be willing to incorporate Election Day Registrations into the regular voter check in line.
2. Absentee ballots sent to the pilot location must not be pre-numbered.
3. Poll workers who will be working the pilot locations must attend Badger Book training the week prior to Election Day.
4. The polling location should be equipped and prepared to run the election as if there were no e-poll books. The polling location and poll workers must be equipped to switch to paper poll book process if needed.
5. For voters registering on Election Day, election inspectors will need to use their existing process to district voters and make sure they are in the correct polling location. The Badger Book will not be able to make that determination.
6. Either the clerk or a designee will need to be on site at the polling location to assist in troubleshooting with poll workers and collecting feedback.
7. Hardware will be provided at no cost for the pilot.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	County	Polling Location	Ward(s)
City of Brookfield	Waukesha County	Brookfield Public Safety Building	Ward 14-17
Town of Trenton	Washington County	Trenton Town Hall	Ward 1-8

City of Beloit	Rock County	First Congressional Church	Wards 16
City of Sun Prairie	Dane County	Colonial Club	Ward 1-5
City of Mequon	Ozaukee County	Pieper Power Education Center	Wards 8-10

On Boarding

As part of being a pilot location, each clerk has agreed to additional training for their poll workers on March 26-29. Clerks will find and secure a training location in which to train their poll workers on the Badger Book. Poll workers will be required to receive training on all three functions: Voter Check In, Processing an Absentee, and Election Day Registration. Additionally, most clerks will hold a voter event to provide voters the opportunity to ask questions and acquaint themselves with the equipment before Election Day. Details about training, voter events, hardware configuration, and the staff resources are found in the table below.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	Training Date	Voter Event	Type of Hardware	Assigned Election Day WEC Staff
City of Brookfield	3/27	3/27 2:00pm – 5:00pm	Point of Service	Sara Linski
Town of Trenton	3/26	n/a	Tablet based	Christopher Doffing
City of Beloit	3/28	3/28 11:00am – 12:30pm	Tablet based	Robert Williams
City of Sun Prairie	3/29	3/29 12:00pm – 2:00pm	Tablet based	Mike Nelson
City of Mequon	3/26	3/26 4:00pm – 5:30pm	Point of Service	Michelle Hawley

Methods for Feedback

To evaluate the Badger Book, several strategies will be employed to collect feedback. Timing feedback will be collected using the Voter Wait Time Tool from the Election Tools resources. Voters will be asked to hold scanned cards at the beginning of the line and to hand them back to a poll worker at the end of the check in process where they will be scanned back in. This data will then be sent back to the website TimeStation where we can evaluate the wait time a voter experienced at a site using the tablet-based configuration and the point of service-based configuration. This data will be compared against two paper poll book sites in the Village of Waunakee and City of New Berlin who will also be collecting voter wait time data. Poll worker satisfaction and usability feedback for hardware and software will be gathered by paper survey

completed at the end of their shift. Additionally, feedback will be gathered from voters via optional paper surveys to complete before leaving the polling location. Using these strategies, the pilot will aim to answer the below questions:

Hardware and Configuration

- Is the hardware easy and intuitive for a poll worker and voter to use?
- Did scanning and typing to search for a voter move any more quickly than searching for a voter by hand on the paper poll book?
- Did the point of service hardware configuration perform better or worse than the tablet-based configuration?
- How did the consolidation of lines for Check-In and Election Day Registrations impact the voter experience overall?
- Were there any communication lapses or issues between networked Badger Books?

Software

- Do poll workers struggle to find the next step in a process?
- Do poll workers struggle to find how to go back a step in the process?
- Was there any information lacking on any screen that impeded a poll worker's ability to perform their job?
- Did any instructions in the poll book conflict with training provided at the municipality level?
- Do poll workers feel more confident in their ability to evaluate a photo ID?
- Were poll workers able to validate voter numbers throughout the day?
- Do poll workers feel it is easier to find the correct voter using the e-poll book versus paper poll book?
- Did any language create confusion for what a poll worker is supposed to do next?
- Did the addition of the statewide voter database for redirection purposes provide any benefit?
- How often does a poll worker require assistance to navigate the system?
- What, if any, scenarios arise that the Badger Book cannot handle?

Post-Pilot Activities

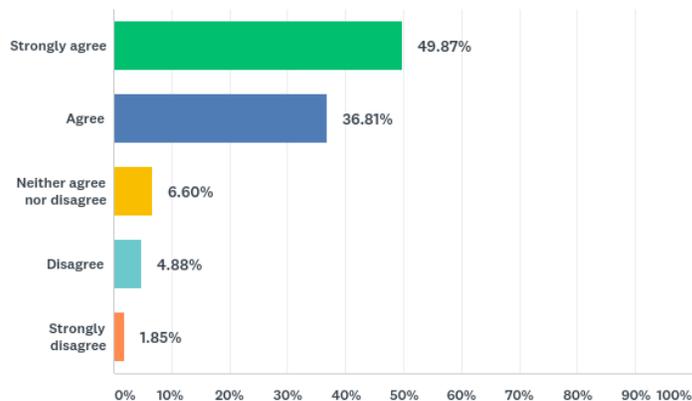
After the election, staff will reconvene to share experiences and evaluate poll worker, voter, and clerk feedback to determine what improvements or fixes need to be made to the system before launch. Staff will work with the development team to make these changes and with the PDS team to redesign the hardware configuration, if needed. Beyond that, developers will focus on creating clerk workflows in WisVote to manage their own data download before the election and upload voter participation and voter registration information post-election. Staff will also work to provide additional opportunities for clerks to evaluate the Badger Book for purchasing purposes in summer 2018.

Badger Book Pilot Spring Election 2018 Feedback

Data below is reflective of data collected from 40 poll workers and 760 voters who participated in the Badger Book pilot in Beloit, Brookfield, Mequon, Sun Prairie, and Trenton.

Voter Experience

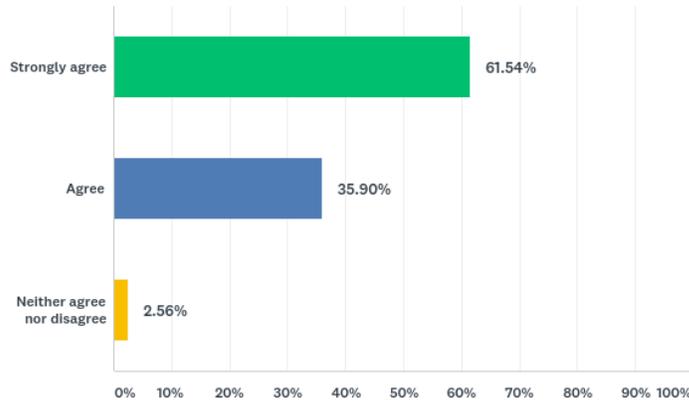
Q2 The electronic poll book was quick and easy for me to use



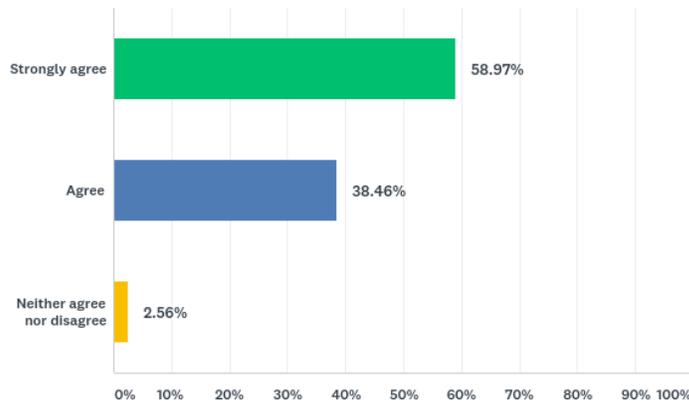
Poll Workers

Check In

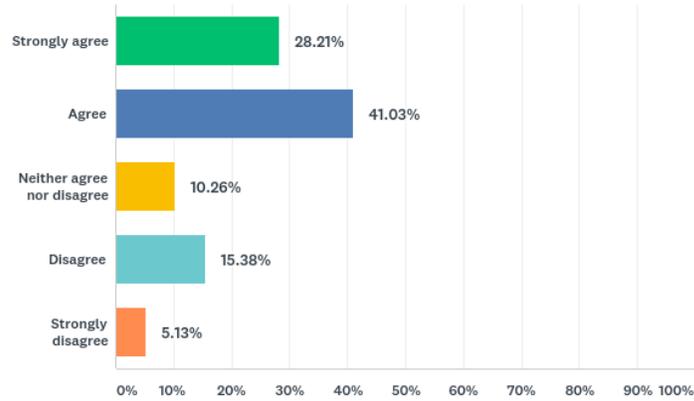
Q12 Overall, I am satisfied with the ease of completing the task of checking in a voter



Q13 Overall, I am satisfied with the amount of time it took to check in a voter

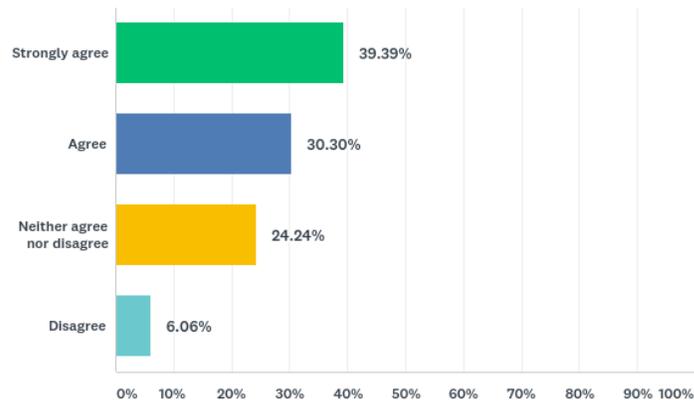


Q46 We had enough devices to manage the lines appropriately

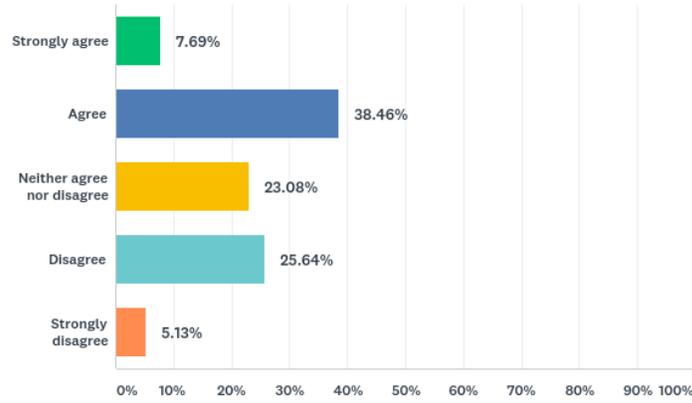


Registration

Q32 Overall, I am satisfied with the amount of time it took to complete an Election Day Registration



Q45 Registering voters in the same line as check in worked well in our polling location



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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 12, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Interest Level and Implementation Plans

The Wisconsin Elections Commission recently conducted a pilot test during the 2018 Spring Election to evaluate the newly developed electronic poll book - the Badger Book. Staff is still in the process of reviewing feedback from clerks, poll workers, voters and voter wait time data. The results of this feedback will be used to update the system before making it available statewide.

To gain perspective on your interest and/or plans to purchase and use Badger Books, staff requests that you [click here to complete the Badger Book Interest Level and Implementation Plans survey](#). Information collected from this survey will not be used as a purchase order for the electronic poll books, but staff will use the results to develop and deploy a roll out strategy for those interested in implementing in 2018. **If you plan on purchasing and using Badger Books in 2018, please complete the survey by April 27.**

If you have questions or concerns related to this request, please contact the Elections Commission Help Desk at elections@wi.gov or (608-261-2028).

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the Meeting of May 24, 2018

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

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

SUBJECT: Update on ERIC Supplemental Poll List Process

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

Background

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

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

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

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

Preparing the ERIC Supplemental Lists

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

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

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

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

Election Day Observations

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

Statistics

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

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

Recommendations for Upcoming Elections

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

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

Continuing Cooperation with DMV

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

2018 Mailing to Eligible but Unregistered Voters

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

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

Conclusion and Motion

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

Recommended Motion:

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

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



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

Register to Vote Online - Visit myvote.wi.gov and click Register to Vote

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

Think you are already registered? Go to myvote.wi.gov to verify your registration.

MyVote está disponible en español

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

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

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ALBANY WI 53502-9429



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INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission's Presentation

to the

LEAGUE OF WISCONSIN MUNICIPALITIES Clerks, Treasurers & Finance Officers Institute

Thursday, June 14, 2018

1:00 p.m. – 4:15 p.m.

Chula Vista Resort

2501 River Road

Wisconsin Dells, WI 53965

AGENDA

1:00 p.m. – 4:15 p.m.
(15 minute break)

Greetings

2018 Elections Commission Activities

Richard Rydecki, Elections Supervisor

Diane Lowe, Lead Elections Specialist

Bill Wirkus, Elections Specialist

- Legislative Update
- Election Security
- Counting Votes at the Partisan Primary
- Canvass Process
- UOCAVA Deadlines
- Political Party Election Mailings
- Badger Book Project
- ERIC Supplemental List and Upcoming Mailing

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 27, 2018

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Richard Rydecki
Elections Supervisor

Robert Williams
Elections Specialist

SUBJECT: Wisconsin Act 326: Elected Officials as Election Inspectors

[Wisconsin Act 326](#) (Act 326) was enacted on April 16, 2018, making changes to statutes related to the standards for election inspectors in Wisconsin Statutes, Chapter 7. Pursuant to a long standing legal opinion from the Government Accountability Board and upheld by the Wisconsin Elections Commission, local elected officials have been prohibited from being appointed as election inspectors.

Under Act 326, the rules regarding this prohibition have been relaxed. Act 326 amends [Wisconsin Statutes, Chapter 7.30\(2\)\(a\)](#) so that local elected officials are now allowed to be appointed as election inspectors without having to vacate the local public office. However, in first class cities, the prohibition remains in effect. Act 326 is effective as of April 18, 2018. On or after that date, clerks may appoint local elected officials as election inspectors at the beginning of a new term or to fill election inspector vacancies in the interim.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

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

Prepared and Presented by:

Tony Bridges

Riley Willman

WisVote Specialist

Election Administration Specialist

SUBJECT: Elections Security Staff Update

I. Introduction

In March 2018, the Wisconsin Elections Commission (WEC) received a \$6,798,318 grant award to improve the administration of elections for Federal office, which includes technology enhancements and election security improvements to its systems, equipment, and processes used in federal elections. State law requires compliance with the §16.54 process for a state agency to accept federal funds and this process involves several steps. An initial step was completed when the agency received written confirmation from the Department of Administration with approval for the acceptance of the grant money on April 24, 2018.

II. Request for Six Federally-Funded Positions

The Wisconsin Elections Commission granted staff authority to explore and make purchases regarding security-related software and request the creation of six federally-funded positions at its April 18, 2018 meeting (at a cost not to exceed \$600,000 annually). Position authority may be granted through the §16.54 process and the hiring of the six project program positions will allow the WEC to implement and achieve the grant's goals and objectives, and to comply with the terms and conditions of this grant.

The Wisconsin Elections Commission requested the creation of 6.0 full-time equivalent 48-month federal project positions from the Department of Administration (DOA) on May 9, 2018. A draft position description for each position was submitted for consideration as part of the agency's request. If approved, these positions would be federally funded from June 1, 2018 – June 1, 2022. The six requested positions are as follows:

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

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

III. Technical Implementations

In addition to the ongoing support that the WEC provides local election officials, staff is also pursuing several different options to improve technical controls that secure access to WisVote and other critical systems. These are combinations of software and hardware that make it more difficult for malicious or simply careless actions to jeopardize the safety of WEC systems and data. The Commission approved the agency incurring expenditures regarding these technical upgrades at its meeting on April 18, 2018 and staff has provided updates on these projects below.

A. Multi-Factor Authentication

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

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called **Active Directory** to manage user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by DET. This setup allowed WisVote to launch in accordance with the 2016 deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it harder for WEC developers to

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

C. Clerk Emails

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

D. Centralization of Web Applications

The WEC provides access to several web applications for clerks and for the general public. Several of these systems have previously been designated as high-security systems and are maintained within the state network on virtual servers provided by DET. This setup affords them a high degree of initial security, including strong perimeter security, protection against bandwidth attacks (DDOS), top-tier endpoint security, third-party penetration testing, and more. However, some sites that had not previously been designated high security have been hosted by a third-party vendor. Based on a number of factors, including a reassessment of the impact of malicious modification of those sites, WEC staff has decided that those sites should be hosted on the state network as well. This change will require a significant amount of coordination with the current service provider to avoid disruptions during the transition, and staff expects to complete the transition this fall.

E. Vulnerability Scanning

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security for known vulnerabilities, and servers within the state network are regularly scanned by DET. However, DHS does not do internal scanning, and DET does not currently provide the agency with comprehensive reports regarding the results of scanning efforts. Staff has made arrangements with DET to increase the scope and accuracy of the internal scans, and to provide reports on the results directly to WEC staff for review. The first trial of this scan is expected to be complete by May 24.

IV. Local Election Official Security Training and Communications Update

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

A. Local Election Official Security Training

In March of 2018, Wisconsin Elections Commission staff attended an election security training and tabletop exercise hosted by the **Defending Digital Democracy project at Harvard Kennedy School of Government's Belfer Center in Boston, Massachusetts. At the event, WEC staff worked with election officials from across the United States to learn about election security best practices, as well as to participate in a tabletop exercise (TTX) that simulated potential real-life security-related events that can occur leading up to Election Day.**

The purpose of a TTX is to provide participants experience in election official roles different from their own and to make participants aware of the various types of potential incidents that could arise on Election Day. These incidents are scripted before being introduced into the simulation and cover a wide variety of topics and severity, ranging from weather-related issues that could potentially impact polling places, to larger cybersecurity incidents that would require working with IT professionals. Throughout the TTX, participants can test their continuity plans against the incident injects in a low-stress environment to determine their efficacy. In addition to creating and improving continuity plans, a goal of the TTX is for participants to see how they can successfully implement measures to prevent election security incidents from occurring.

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

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

B. Communications Plan

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

WEC staff will prepare communication materials and contingency plan templates that will be useful to clerks throughout the election administration process. Feedback from the recent election security survey that was sent to county clerks indicated that clerks have found WEC-produced templates and step-by-step guides helpful and efficient resources. **A security communications template and guide will be created by WEC staff that allows for the local election officials to quickly outline the appropriate contact information for resources in the event of a potential security question or incident. The goal of these guides and templates are to help local election officials have a high-level understanding of best practices when communicating during an incident, as well as to reinforce that WEC staff are a resource for clerks to contact if they have questions or need assistance in resolving an incident.**

C. Monitoring and Distributing Security Alert Information

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

V. Collecting Feedback from Key Election Security Partners

As WEC staff works on implementing security trainings and publishing guides for local election officials before the August and November elections, there are additional plans to implement a second phase to keep Wisconsin's elections safe and secure. WEC staff is currently in the process of creating an avenue for key election security partners such as DHS, DET, county clerks, municipal clerks, and members of the public to provide feedback on how the HAVA security funds should be spent.

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

In March, WEC staff sent a survey to county clerks to ask for information about their current election security programs before planning a statewide training program. A similar approach will occur after the

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

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

Personal Computer Security Checklist

Computer/Laptop Security

<input type="checkbox"/> Is your operating system up-to-date	<p>Windows and Apple operating systems will have settings that allow the automatic download of patches and updates. Allowing automatic installation of the updates is up to you, but at least enable to auto-download and notify.</p>
<input type="checkbox"/> Do you have an antivirus installed	<p>For Windows-based systems, Windows Defender is adequate. Avast is a highly-rated program with versions for multiple operating systems (Mac, Windows & Android). Kaspersky is also highly-rated but has been banned from Federal networks due to security concerns.</p> <p>As with your OS, make sure your antivirus remains up-to-date.</p>
<input type="checkbox"/> Are the applications you use up-to-date	<p>Not all programs have an auto-update option when a newer version is available and you may need to check on your own. If a developer no longer supports a program you use, consider finding a replacement.</p>
<input type="checkbox"/> Have you rebooted your computer recently	<p>While some updates don't require a restart to take effect, a majority will. For updates that require a restart, you will generally get a notification to this effect. If you leave your computer on when not in use, get in the habit of restarting on a regular basis to make sure everything is truly updated.</p>

<input type="checkbox"/> Is your information securely backed-up	<p>A new trend in malware is ransomware. These attacks will encrypt all the data on your hard drive and will demand payment to provide the decryption key. Without this key, your data is lost forever. If you have your data backed-up, you can wipe the hard drive and reinstall. There are online back-up services and you can also buy desktop hard drives to do the same – make sure the back-up is not connected to your computer or it will be encrypted as well.</p>
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Web Browser Security

<input type="checkbox"/> Do you have an ad-blocker installed	<p>Malicious advertisements are increasingly being used to infect computers. There are multiple, reputable, options for ad-blockers depending on the browser you are using. Adblock Plus is available for Internet Explorer, iOS, and Firefox. uBlock Origin is available for Chrome, Firefox, Safari, Opera, and Edge (Windows 10 browser).</p>
<input type="checkbox"/> Is your web browser up-to-date	<p>Yes, this is a theme. Browsers are updated to fix exploits and improve operation often. Enable automatic downloads of updates and restart your browser after installation.</p>
<input type="checkbox"/> Use private windows	<p>Most browsers will come with a privacy-browsing option: InPrivate browsing for IE, Incognito for Chrome, etc. Familiarize yourself with these options and use them when accessing sensitive information. Private windows prevent malicious code in other tabs from “seeing” or interfering with what you are doing in a private window.</p>

<input type="checkbox"/> Use https:// when available	<p>Https is a secure, encrypted connection from your computer to a website. Many services offer encrypted and unencrypted versions of their website and most will default to secure https when you are on the login screen. You can confirm if you are viewing the encrypted website by the presence of a green lock icon or seeing https in the web address. While https will not protect your information on an already-compromised computer, it will prevent someone from snooping on the connection between your computer and a website. If you do not see the green lock, you can manually enter https:// as part of typing a URL to force the secure connection if it is available. There is also an extension called HTTPS Everywhere that is available for Chrome, Firefox, Opera, and Edge that forces the use of the encrypted option on supported websites.</p>
<input type="checkbox"/> Disable Flash	<p>Flash is a popular vector to attack computers. If you cannot disable Flash, at least set it to “Ask first” – this will prevent flash from running automatically when a webpage loads. In most browsers this is a default setting, but check to make sure it is enabled.</p>

Password Security

<input type="checkbox"/> Don't reuse passwords	<p>The use of the same password across multiple services means if any of those services are compromised, hackers can get into those other accounts as well. Make sure every password is unique to the service/site you are using it for.</p>
<input type="checkbox"/> Don't answer security questions	<p>Security questions are often publicly available information – mother's maiden name, elementary school, etc. If the information is out there, someone can use it to “recover” your password without needing to place malware on your computer. If a site insists on providing such answers, don't answer truthfully.</p>

<input type="checkbox"/> Use multi-factor authentication when available	<p>Many services are moving towards providing some sort of multi-factor authentication – Facebook and Gmail are such examples. The second authentication factor will prevent someone from accessing your information even if they have your username and password. In some cases, sites will notify you of the attempted login which will alert you to the potential compromise.</p>
<input type="checkbox"/> Use long passwords	<p>Increasing password length from 8 characters to 9 increases the amount of time needed by an automated password cracker from minutes to hours. Adding a 10th character will up that time to days. It is highly recommended that you make sure passwords are 12 characters or more. Even if a website or service doesn't require special password security (symbols or numbers), get in the habit of doing so anyway.</p>
<input type="checkbox"/> Consider using a password manager	<p>We choose poor passwords because we need to think of them and make them easy to remember. A password manager removes both of these concerns. There are secure online options like LastPass or 1Password that encrypt your passwords locally before saving them to the cloud. There are local password managers like Keepass that will save everything to your machine so you do not have to worry about cloud security, but you will need it separately on each device you use. You will still need a strong master password for access, it's easier to come up with and remember one strong password than fifteen.</p>

COUNTING VOTES AT THE PARTISAN PRIMARY

Statutory Authority

The information in this document was prepared by the staff of the Wisconsin Elections Commission and represents the staff's interpretation of the application of the law set out in Wis. Stat. § 7.50(2), to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions about the information contained in this document should be directed to the Wisconsin Elections Commission Help Desk at 608-261-2028 or via email at elections@wi.gov.

Public Counting

Counting votes is always done **publicly** after the polls close at 8:00 p.m. Vote counting is done by the election inspectors. The governing body of a municipality may also appoint tabulators to assist election inspectors with counting votes. Any person, including candidates at the election, may observe the counting of votes.

Voter Intent

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective, the election inspectors must attempt to determine the voter's intention. All inspectors must be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the election inspectors.

One common example of when a determination of voter intent must be made is when it appears an elector has overvoted an office on the ballot. If the majority of the inspectors agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If the majority of the inspectors agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote for that office only. A record is made on the Inspectors' Statement (EL-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted if voter intent can be determined.

Defective, Objected-to and Rejected Ballots

Whenever a ballot is found to be defective, is objected to, or is rejected, the ballot must be identified with a number and set aside. A notation must be made on the Inspectors' Statement (EL-104).

Defective Ballot: A ballot that is damaged, overvoted or otherwise difficult or impossible to determine voter intent.

Objected-to Ballot: A ballot on which one or more offices are defective and a minority of inspectors disagree with the intent determination of the majority.

Rejected Ballot: An absentee ballot which does not contain the signature of the voter and the signature and address of a witness. A ballot is also rejected if the certificate envelope contains more than one marked ballot of the same type.

Again, when there is a question on how a vote should be counted because the choice(s) is not clearly marked as prescribed by the instructions on the ballot, the decision is made by a majority of the election inspectors.

Counting Paper Ballots

Accuracy is essential when counting votes, especially when counting is done manually. Election inspectors should familiarize themselves with the proper procedures for counting votes marked on hand-count paper ballots as set out in the Counting Ballots section of the *Election Day Manual for Wisconsin Election Officials*. To alleviate fatigue and assure accuracy, all election inspectors and tabulators should be involved in counting votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted. There are examples of marked ballots with a special emphasis on handling write-in votes further on in this manual.

At a partisan primary, a voter may vote only in one party's primary. The voter marks only one party's ballot and deposits it in the locked or sealed ballot box. The unused ballots are placed in a locked or sealed discard box or container. When counting ballots, if two or more party ballots are folded together or a certificate absentee envelope contains more than one party ballot, examine the ballots carefully. If more than one ballot is marked, no ballot may be counted. The ballots are marked "crossover" and placed in the "Original Ballots" envelope. In the case of an absentee voter, the ballots are returned to the certificate envelope and marked "rejected-crossover."

Special Considerations Where Optical Scan (OS) Voting Systems are Used

Write-in Votes

Since the law does not require a voter to mark a square, arrow or oval to vote for a write-in candidate, care must be taken to assure that write-in votes are counted when the elector fails to mark a square/arrow/oval next to the write-in line, *if* the write-in vote is eligible to be counted. (See the Counting Write-in Votes section of this manual.) Likewise, it is equally important to ensure that write-in votes counted by the equipment are eligible to be counted.

The decision-making capability of optical scan equipment is limited. The voting equipment "decides" a vote based on its assessment of the marks placed on the ballot by the voter. The optical scan voting equipment will not "see" a write-in vote when the square/arrow/oval has not been marked. (Companies currently marketing OS equipment claim the ability to program the equipment to widen the optical eye path to include a name written in, but this feature has not been tested by the WEC). The OS voting equipment cannot differentiate between registered and non-registered write-in candidates, nor is it able to determine whether write-in votes are eligible to be counted. Therefore, inspectors must **examine each ballot** to determine if a write-in vote has been cast and if that vote has been counted properly or improperly. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

Adjusting the Machine Tape

In a case where a voter has marked the square/arrow/oval next to a ballot candidate and has also written in a name but did not mark the square/arrow/oval next to the write-in line, the equipment will "see" only the vote for the ballot candidate and record that vote. In this case, the

inspectors must adjust the machine tape to subtract one vote from the ballot candidate's total and then determine the eligibility of the vote for the write-in candidate. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials* and the "Write-in Votes" section of this manual.)

*Overvoted Ballots – If voter intent **can be determined***

When an optical scan ballot has been overvoted **but the intent of the voter can be determined, the ballot must be remade**. Two election inspectors transfer the votes onto a new ballot, duplicating the votes as they were marked by the voter on the original ballot, except that the office(s) that has been overvoted is marked to reflect the intent of the voter. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

*Overvoted Ballots – If voter intent **cannot be determined***

When an optical scan ballot has been overvoted **but voter intent cannot be determined**, the overvoted ballot is remade* by two election inspectors exactly as the voter marked the original ballot, except that the overvoted office(s) is left blank. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

*If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a ballot for which intent cannot be determined may be overridden. The voting equipment will not count votes for overvoted contests, but will count votes for all other properly marked contests.

Crossover Ballots

A crossover occurs when the voter has cast votes in more than one party and has not selected a party preference. No votes are counted for partisan contests in this case and the ballot must be remade or overridden.

The remade ballot is a blank ballot or only contains votes for non-partisan contests. As with overvoted ballots, the original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot (blank ballot) is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate (blank) ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a crossover ballot may be overridden. The voting equipment will not count any votes for partisan contests.

Whenever a ballot is remade or overridden, the action must be recorded on the EL-104 Inspectors' Statement.

For further instructions, see the "Processing Overvoted and Crossover Voted Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

WRITE-IN VOTES AT A PARTISAN PRIMARY

Determining Eligibility of Write-in Votes

Counting votes in an office where write-in votes are present can be complicated and requires a step-by-step approach to systematically separate which write-in votes are “eligible” for counting and which are “ineligible.” The following four principles will assist you in determining write-in vote eligibility and whether also marked ballot candidates can be considered.

The Four Principles of Counting Write-in Votes

1. If one or more ballot candidates of a specific party are listed under a given office—
Only votes for registered write-in candidates are eligible for counting.
2. If one or more ballot candidates of a specific party are listed under a given office, but one or more are deceased—
All write-in votes are eligible for counting.
3. If there are no ballot candidates of a specific party listed under a given office—
All write-in votes are eligible for counting.
4. If there is at least one write-in vote cast, (*regardless of the eligibility of the write-in vote*)—
No votes for ballot candidates may be considered.

Using this partisan primary ballot example, determine how this office should be counted by answering the four questions that follow the example. (The answers can be found in the four principles listed above.)

Sugar Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Pillsbury Dough Boy	
<input type="radio"/> Betty Crocker	
<input type="radio"/> Cookie Monster	
<input checked="" type="radio"/> <i>Grommet</i>	(Grommet is a registered write-

3 ballot candidates for a 1-seat office.

Question 1: How many votes is the voter entitled to cast? (Refer to the ballot instructions.)

- One. The instructions are “Vote for 1.” The voter has marked 4 candidates, which is 3 too many.

Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 1.)

- There is 1 position to be filled and 3 ballot candidates. Only votes for registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Grommet is a registered write-in candidate. The vote for Grommet is counted.
- The voter is entitled to no more votes.

Since Grommet’s vote has been counted, the following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.
- Ballot candidates may not be considered.

Final result:

- There are 4 votes marked for this office. The voter is only entitled to one vote.
- Only the write-in vote for Grommet is counted.
- The voting equipment has recorded this office as overvoted—no votes were recorded.
- No adjustment to the tape is required.

Note: *If Grommet were not a registered write-in candidate, the vote for Grommet would not be counted. And since there is a write-in vote for this Vote for 1 office, ballot candidates cannot be considered. In this case no votes would be counted.*

Here is another example that involves adjusting the machine tape:

Chocolate Chip Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Missy Fields	
<input checked="" type="radio"/> Chip Ahoy	
<input type="radio"/> Sugar Sprinkle	
<input type="radio"/> <u>Cocoa Bean</u>	(Cocoa is a registered write-in candidate.)

Question 1: *How many votes is the voter entitled to cast? (Refer to the ballot instructions.)*

- One. The instructions are “Vote for 1.” The voter has marked 1 candidate and written in a candidate.

Question 2: *Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 2.)*

- There is 1 position to be filled and 3 ballot candidates. Only registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Yes. Cocoa Bean is a registered write-in candidate. The vote for write-in candidate Cocoa Bean is counted.
- The voter is not entitled to any more votes.

The following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.

Final Result

Machine Tape

Governor

M. Fields 45
C. Ahoy 33 (-1)
S. Sprinkle 15
wr-in 0 (+1)

- The write-in vote for Cocoa Bean is counted.
- The voting equipment has recorded a vote for the ballot candidate, Chip Ahoy.
- The inspectors must adjust the tape by subtracting a vote from Chip's total.
- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

More examples of counting vote for offices that contain write-in votes and involve adjusting the tape may be found at the end of this manual.

Write-in Vote Irregularities

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the inspectors to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Below are several general examples of write-in vote irregularities. These examples include, but are not limited to, general situations for all elections. Following the General Situations are examples specific to counting votes at the partisan primary.

General Situations

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted. Example: The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.

4. Only the last name of a person is written in. Count the vote if--
 - the person is a registered write-in candidate, and/or
 - the intent of the voter can be reasonably determined.

5. The voter wrote in a name but did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line--
 - No mark is required next to the write-in line to cast a write-in vote. If the write-in vote is eligible, it is counted.

6. A voter writes in the name of a registered write-in candidate **under an office other than the one for which the candidate is registered**--
 - The vote is counted for the office under which the name is written if:
 - The office under which the name is written has no ballot candidates or one or more ballot candidates is deceased, **and**.
 - The office under which the name is written is the same party in which the registered write-in candidate is running.

7. A name is written in **the margin**, rather than in an office space--
 - If the person whose name is written in is a registered write-in candidate, the name counted as a vote for the write-in candidate in the office and party in which he or she is registered.
 - If the name is that of a ballot candidate, the vote is counted for the candidate in the office and party for which he or she is registered.

8. The voter **marks the ballot for a name that is printed on the ballot and writes in another person's name for the same office**--
 - If the write-in vote is deemed eligible, the write-in vote is counted. The vote for the ballot candidate is not counted. (*See Principles 1 and 4 in the Determining Eligibility of Write-in Votes section.*)

9. The name of a Party X registered write-in candidate is written in under Party X, but for an office other than the one for which the candidate registered.
 - The write-in vote counts for the person for the office where the name is written, if there are no ballot candidates for the office or one or more ballot candidates is deceased. (*See Principles 2 and 3 in the Determining Eligibility of Write-in Votes section.*)

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
2. A name is written on the endorsement (back) side of a paper ballot.
3. The instruction on the ballot is "**Vote for one**," and the name of more than one person has been written in for a single office--
 - This is an overvote. No votes are counted for that office.

4. The instruction on the ballot is "**Vote for One**," and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office--
- This is an overvote. No votes are counted for that office.

Ballot Candidates as Write-ins

A write-in vote for a ballot candidate is always counted if it is written in under the office where the name is printed on the ballot. If a voter marks a ballot candidate’s name and writes in the same ballot candidate’s name for the same office, one vote is counted for the ballot candidate.

When a ballot candidate’s name is written in under an office other than where the name is printed on the ballot, *the vote may be counted if the office where the name is written—*

Election Type	Has fewer ballot candidates that positions to be filled, or one or more ballot candidates is deceased.	Is under the same party where the name is printed on the ballot.
Nonpartisan		
Spring Primary	X	
Special Primary	X	
Spring Election	X	
Special Election	X	
Partisan		
Partisan Primary	X	X
Special Primary	X	X
General Election		
Special Election		

PARTY PREFERENCE

Each ballot-status party in Wisconsin holds a primary on the 2nd Tuesday in August of an even-numbered year. Though the primaries are conducted on the same day, each party’s primary is considered a separate election event. At the partisan primary, a voter may choose ONE party’s primary in which to vote. By voting in a party’s primary, the voter is participating in the nomination process for candidates of that party.

There are several methods by which a voter selects the party in which he or she will vote.

Where hand-count paper ballots are used, the voter identifies their party preference when he or she chooses **one** party ballot on which to vote. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked “discard” box.

Where optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking a party preference. Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover. Selecting a party preference preserves the votes cast in the preferred party, while not counting votes cast in another party.

Voters do not always vote in the manner prescribed by law and as provided in the instructions on the ballot. A voter will often vote in more than party, either by mistake, misunderstanding or in a deliberate attempt to frustrate the purpose of the primary.

Before we get to examples of crossover voting and how to treat them, let's first review several rules regarding counting votes at a partisan primary.

- A. Selecting a party preference will preserve the votes cast in the preferred party even if the voter crosses over and votes in another party.
- B. Casting votes for candidates of only one party, is the same as selecting a party preference.
- C. If no party preference is selected, and the voter **marks more than one party's ballot**, no votes will count.
- D. If no party preference is selected, and the voter **marks only one party's ballot**, but on that same party ballot writes in the name of a ballot candidate or registered write-in candidate of another party, all votes are counted except the write-in vote.
- E. **Regardless if a party preference is selected**, the name of a ballot candidate or registered write-in candidate of Party X written on a Party Y ballot will never count.
- F. **Within the same party**, a voter may write in the name of a ballot candidate or registered write-in candidate for an office under a different office.

Count Write-in Votes at a Partisan Primary When:

(The following scenarios presume a write-in vote is eligible to be counted.)

1. **The voter has selected a party preference.** The voter casts votes in the preferred party and then marks candidates in another party--
 - The votes cast in the preferred party are counted. **Rule A**
2. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the party selected and writes in, on the that same party ballot, the name of a person who appears as a ballot candidate on a different party ballot--
 - All votes are counted except for the write-in vote. **Rules A, B and E**
The voter has not physically voted on more than one party's ballot.
The voter benefits from the party preference safety net.
3. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the selected party and then writes in a name on another party's ballot--
 - The votes cast in the selected party are counted. **Rules A and E**
 - The name written in on the other party ballot does not count.
Although the voter has physically voted on more than one party's ballot, he has benefitted from the preferred party safety net.
4. **The voter has not selected a party preference** but has voted for candidates of only one party. The voter writes in, on that same party ballot, the name of a person who appears as a ballot candidate in a different party--
 - All votes are counted except for the write-in vote. **Rules B, D and E**
The voter has not physically voted on more than one party's ballot.

5. A candidate's **name is printed on a party ballot** for one office, and the voter writes in that candidate's name for a different office **on the same party ballot**—
 - The vote is counted for the person for the office where the name is written. **Rule F**
6. The name of a registered write-in candidate is written in under an office other than the one for which the candidate registered, but in the same party for which the candidate registered--
 - The vote counts for the write-in candidate for the office where the name is written. **Rule F**
7. The name of a registered write-in candidate is written in under the office for which the write-in candidate is running, but in a different party--
 - The write-in vote is not counted. **Rule E.**

Do Not Count Write-in Votes at a Partisan Primary When:

1. **The voter has selected a party preference.** On the face of the ballot, in no party or office space, the voter writes the name, office and political party of a ballot candidate or registered write-in. The political party the voter has written is **different from the preferred party the voter selected** --
 - The vote is not counted. Any votes cast in the preferred party are counted. **Rules A and E**
The voter has voted on more than one party's ballot but has benefitted from the party preference safety net.
2. **The voter has not selected a party preference.** The voter casts votes for candidates on one political party's ballot, and then votes for a candidate on another party's ballot or writes in a name on another party's ballot—
 - No votes are counted. **Rule C**
The voter has physically voted on more than one party's ballot without the benefit of the party preference safety net.
3. The name of a registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement--
 - The vote is not counted. **Rule E**
7. A candidate's name is printed on a party ballot for an office and the voter writes that candidate's name under a different office on a different party ballot. --
 - The vote is not counted. **Rule E**

Here are a few more ballot examples:

Partisan Primary Write-in Vote Examples

All write-in names are assumed to be eligible to count.

<p>Example 1</p> <p>Party Preference</p> <ul style="list-style-type: none"><input type="radio"/> Country<input checked="" type="radio"/> Motown<input type="radio"/> Rock 'n Roll <p>Country Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Tammy Wynette<input type="radio"/> Donna Fargo<input checked="" type="radio"/> Robert Plant <p>Motown Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Diana Ross<input checked="" type="radio"/> Levi Stubbs<input type="radio"/> Tammy Wynette <p>Rock 'n Roll Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input checked="" type="radio"/> Eddie Vedder<input type="radio"/> Robert Plant<input type="radio"/> _____	<p>The voter has chosen Motown as the party preference. Choosing a party preference preserves votes cast in that party.</p> <p>Analysis:</p> <p>The write-in vote in the country party is not counted because the voter chose Mowtown as the preferred Party and because voter wrote in a ballot candidate from the Rock 'n Roll Party.</p> <p>In the Mowtown party, the voter has written in a Country Party ballot candidate (Tammy Wynette). The vote is not counted. Choosing a party preference preserves votes cast in that party, but not when a voter tries to force a Country singer to sing Motown.</p> <p>The vote for Motown ballot candidate Levi Stubbs is not counted either because of the write-in, even though the write-in wasn't counted.</p> <p>The vote for Rock 'n Roll Party ballot candidate, Eddie Vedder is not counted because the voter chose Motown as the preferred party.</p> <p>Result: No votes are counted.</p> <p>Effect on machine tape: Because the voter chose a party preference, the OS equipment scanned the only the Motown Party section. The equipment recorded a vote for Levi Stubbs, which must be subtracted on the tape.</p>
---	--

Example 2

Party Preference

- Country
- Motown
- Rock 'n Roll

Country

Representative to the Assembly

Vote for 1

- John Smith

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Diana Ross
- _____

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Eddie Vedder
- Robert Plant
- _____

The voter has chosen the Rock 'n Roll Party. Choosing a party preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party because the Rock n' Roll Party has been selected.

There were no votes cast in the Motown Party.

The vote for Rock 'n Roll ballot candidate Eddie Vedder is counted.

Result: Only Eddie's vote for Rock 'n Roll Assembly is counted.

Effect on machine tape: None. The Rock 'n Roll party was selected as the voter's preference. The OS machine only scanned the preferred party and recorded the vote for Eddie.

Example 3

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- Jim Morrison

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- ~~Patty LaBelle~~
- Jim Morrison
- Keith Moon

State Senator

Vote for 1

- Roger Daltrey
- Keith Richards
- Jay Black
-

(Keith Moon is a registered write-in candidate.)

The voter has chosen the Rock 'n Roll Party. Choosing a party preference preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party, because the Rock 'n Roll Party has been chosen as the voter's preference.

Rock 'n Roll Party (The preferred party)

Office of Rep. to the Assembly:

There is a write-in candidate for Assembly (registered write-in candidate Keith Moon). Keith's vote is counted, and the vote for Keith cancels the vote for ballot candidate, Patty.

State Senator

The voted for ballot candidate Roger Daltrey is counted.

Result: The write-in vote for write-in candidate Keith Moon for Assembly is counted. The vote for Patty LaBelle is not counted. The vote for Roger Daltrey for Senate is counted.

Effect on machine tape: The OS equipment scanned only the preferred party (Rock 'n Roll) and counted the vote for Patty LaBelle for Assembly. The write in vote for Keith Moon was not recorded. In the office of Rep. to the Assembly, subtract a vote from Patty LaBelle and add a write-in vote for Keith Moon.

Example 4

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly Vote for 1

- Miranda Lambert
- ~~Tammy Wynette~~
- Donna Fargo
- ~~Jim Morrison~~

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black
-

The voter has not chosen a party preference.

The voter has marked candidates in only one party (**Country**).

Analysis:

Jim Morrison, a Rock 'n Roll Party ballot candidate for assembly has been brought over to the Country Party as a write-in candidate to masquerade as a Country singer (yeah, right). Jim Morrison's vote for Congress in the Country Party is not counted.

The presence of a write-in vote in an office means a vote for a ballot candidate in that office cannot be counted, even if the write-in cannot be counted either. The vote for Tammy for Assembly is not counted.

Tammy Wynette is a Country Party ballot candidate for Assembly. Her name has been written in for State Senator in the Country Party. Since the voter has written in Tammy for a different office but in the Same Party, Tammy's vote in the office of State Senator is counted.

No votes were cast in the Rock 'n Roll Party

Result: No party preference was selected, but the voter's marks are confined to the Country Party; no marks were made in any other party. The voter's attempt at making a country singer out of Jim Morrison backfired. Not only could the write-in vote for Jim be not counted, but it also cancelled out Tammy's vote in that office.

Effect on machine tape: None. In the Country Party Assembly contest, the ovals of a ballot candidate and a write-in were marked. The OS equipment saw it as an overvote and did not record a vote. The write-in vote for Country Party Senator was picked up by the equipment.

Example 5

Party Preference

- Country
- Rock 'n Roll
- Opera

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
-

State Senator

Vote for 1

-

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black

Opera Party

Representative in Congress

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- Beverly Sills

State Senator

Vote for 1

- Luciano Pavarotti
- Maria Callas
- Renee Fleming
- Beverly Sills

The voter has not chosen a party preference.

No votes were cast in the Country Part.

The voted primarily in the Opera Party, but crossed over by writing in a name on the Rock 'n Roll ballot.

In the Opera Party:

In both offices, an Opera Party ballot candidate has been written in both offices. Had the voter not crossed over to write in on the Rock 'n Roll party ballot, the vote for Beverly Sills for Congress would have counted (once). The vote for Beverly for Senate would not have been counted because Beverly is not a registered write-in candidate for that office.

Result: No votes count because no party preference was selected and there are votes in two parties.

Effect on machine tape: The OS machine saw only the votes in the Opera Party because the oval was not filled in next to Jay's name in the Rock 'n Roll Party. Jay's write-in vote was not recorded.

The OS equipment would have seen the two filled in ovals for Opera Party Congress as an overvote and no votes would have been recorded for that office.

For Opera Party State Senator, a write-in vote would have registered on the tape. Adjust the tape to subtract the write-in vote.

Example 6

Party Preference

- Country
- Opera
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- _____

State Senator

Vote for 1

- ~~Shirley Reeves~~

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- ~~Robert Plant~~

State Senator

Vote for 1

- Roger Daltry
- Keith Moon
- Jay Black
- ~~Jimmy Page~~

(Robert Plant is a registered write-In candidate. Jimmy Page is not.)

The voter has chosen the Country Party. Choosing a party preserves the votes cast in that party.

Country Party

The Country Party is the preferred Party. The vote for Donna Fargo for Assembly in the Country Party is counted.

Once again, an effort to convert a Rock 'n Roller (Shirley) to a Country singer fails. Since the office of Senator has no ballot candidates, ordinarily any a write-in vote would be counted, but not when it is a candidate of another party.

Rock 'n Roll Party

The Country Party is the preferred party, so no votes are counted in the Rock 'n Roll Party. If the preferred party were the Rock 'n Roll party, The write in vote for Robert Plant for Assembly would have counted. The write-in vote for Jimmy Page would not because he is not a registered write-in.

Result: Only the vote for Donna Fargo for Assembly is counted.

Effect on machine tape: None. The OS equipment scanned only the preferred party (Country) and recorded the vote for Country Party Assembly candidate, Donna Fargo. No votes were counted in the Rock 'n Roll Party because it is not the preferred party.

Example 7

Party Preference

- Country
- Rock 'n Roll
- Opera
- Motown

Country Party

Representative in Congress

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- _____

State Senator

Vote for 1

- _____

Rock 'n Roll Party

Representative in Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- _____

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- _____

Opera Party

Representative to the Assembly

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- ~~Freda Payne~~

State Senator

Vote for 1

- Enrico Caruso

Freda Payne and Enrico Caruso are not registered write-ins.

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Freda Payne
- Gladys Knight
- _____

State Senator

Vote for 1

- Barry Gordy
- Stevie Wonder
- Marvin Gaye
- _____

The voter has chosen the Opera Party.

Analysis:

The voter has voted for an Opera Party ballot candidate for Assembly, (Beverly) and has also written in Freda Payne.

Freda's vote cannot be counted because she is not a registered write-in and there are ballot candidates. Because of the vote for Freda, Beverly's vote cannot be counted either.

Opera ballot candidate for Assembly (Caruso) has been written in for Opera Senate. Enrico's write-in vote is counted because he is a candidate for the Opera Party and there are no ballot candidates for Opera Senate, so Enrico doesn't need to be a registered write in for Senate.

Result: The write-in vote for Enrico Caruso is the only vote that counts on this ballot.

Effect on machine tape: In the Opera Party, the ovals next to Beverly Sills and write-in Freda Payne have been filled in. The OS equipment sees this as an overvote and no votes are recorded.

The oval next to write-in Enrico Caruso was not filled in and was not picked up by the equipment. A vote should be added to the write-ins for Opera Senator.

Canvass Process

Purpose of the Canvass

- The purpose of the canvass process is to review and certify the results of primaries and elections and to make the official determination of the outcome of state, county or local election events.
- The canvass process should be designed to identify incorrect vote totals and correct those results before certification
- Results should be proofed before submission so that errors can be identified and corrected before certification.
- Recounts should not be the mechanism where election results are corrected!

Duties of the Municipal Clerk

- ▶ Publish a 24-hour open meeting notice and notify the MBOC of the time and location of the meeting
- ▶ Publish a 24-hour open meeting notice for the meeting of the Local Board of Canvassers (LBOC) to perform certain duties, such as reconciling poll lists and counting votes

Duties of the Municipal Clerk

- ▶ Provide MBOC with all necessary materials
- ▶ Enter provisional ballot information into the Provisional Ballot Tracking System (or deliver to WisVote provider)
- ▶ Post the number of provisional ballots on the Internet
- ▶ Take minutes of the MBOC meeting or delegate this duty
- ▶ Transmit the EL-123r to the clerks of any affected level of government
- ▶ After the 4 pm Friday deadline, transmit the final EL-123r forms to the clerks of any other affected level of government

Municipal Board of Canvassers (MBOC)

- ▶ Election results are not complete until certified by the Board of Canvassers
- ▶ Required only for municipal offices or referenda
- ▶ Municipalities with only one reporting unit
 - Election inspectors constitute the Board of Canvassers
- ▶ Municipalities with more than one reporting unit
 - Municipal clerk and two other qualified electors of the municipality appointed by the clerk



Timeline of the MBOC

- ▶ Municipalities where the election inspectors comprise the MBOC
 - When municipal offices and/or municipal referenda are on the ballot, must conduct the canvass on election night
 - Inspectors must reconvene as the MBOC no later than 9 am the Monday following the election to process any provisional ballots
- ▶ Municipalities where the clerk and two others comprise the MBOC
 - When the clerk and two other electors appointed by the clerk serve as the MBOC, the canvass must begin no earlier than the time that the MBOC receives all returns from all polling places on election night and no later than 9 am the Monday following the election

Canvass Report

- ▶ The MBOC must complete the Canvass Report (EL-106)
- ▶ Tabular Statement
 - Lists all votes received by each municipal reporting unit for a particular office
- ▶ Summary Statement
 - List vote totals cast for each office
- ▶ Certification Statement
 - Signed by the MBOC that all canvass documents are true and correct



EL-106

Tabular Statement of Votes Cast

_____, WI
(insert municipality and county, if county cases insert county only)

(type of election) _____ Election - _____ (date of election)

(If no County Use Only)

For a Partisan Primary, insert political party _____

Office:		
Reporting Units:	Candidates:	Scattering <small>(for Counties only)</small>

Verify Tamper-Evident Seals

- ▶ The MBOC shall verify that the tamper-evident serial numbers from the voting equipment have been recorded on the Inspectors' Statement (EL-104)
- ▶ Members to verify five (5) Inspectors' Statements or 10% (whichever is greater) of the total statements that have been initialed by the Chief Election Inspector.
- ▶ Noted in minutes

Processing Provisional Ballots

- ▶ The MBOC must meet to tally any provisional ballots
 - This must occur no later than 9:00 a.m. the Monday following the election, but may begin as soon as all outstanding provisional ballots are accounted for.
 - If there are no outstanding provisional ballots, the MBOC proceeds normally to certify tallies or canvass as required.
 - The MBOC does not need to reconvene if the clerk certifies that no provisional ballots were received from the time of the initial canvass and 4 pm the Friday after the election.
- ▶ Municipalities with only one reporting unit may use a "mini-MBOC" to tally provisional ballots
 - This mini-MBOC consists of the clerk, chief inspector and one other inspector
- ▶ A Canvassers' Statement is NOT required unless you are determining local offices

EL-106P

STATEMENT OF THE MUNICIPAL CLERK
IF NO PROVISIONAL BALLOTS WERE REHABILITATED BETWEEN 6 P.M.
ELECTION NIGHT AND 4 P.M. ON THE FRIDAY AFTER THE ELECTION

Reconciliation of Provisional Ballots Processed

(Name of Primary or Election) Reporting Unit: (If only in Reporting Unit)

No provisional ballots were rehabilitated. Election night results stand.

CERTIFICATION OF MUNICIPAL CLERK
(By Municipal Clerk, immediately after election)

I, the undersigned, certify that I am the Municipal Clerk for _____

I certify that no provisional ballots were rehabilitated after the close of the polls and before 4 p.m. on the Friday after the election. I further certify that the results of the municipal election certified on Election Night by the Municipal Board of Canvassers are the official election results.

_____, Clerk (Date)

Routing Materials



Materials should be separated as follows:

Municipal Clerk

- Municipal Ballots
- Tally Sheet original and copy of voting machine tape, if any
- Record of Activity (EL-104P)
- Absentee Ballot Log (EL-124)
- Provisional Ballot Reporting Form (EL-123r)
- Statement of the MBOC (EL-106P)
- Statement of the Municipal Board of Canvassers (EL-106), if required.

Routing Materials (con't)

School District Clerk

- School District Ballots (if separate ballots)
- Tally Sheet original of any school district offices and copy of voting machine tape, if any
- Certified copy of the Inspectors' Statement (EL-104)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the signed poll list

Routing Materials (con't)

County Clerk

- Ballot Containers with all federal, state, county and tech college ballots
- Cured Provisional ballots sealed in a separate container
- Election night provisional ballots resealed in the original ballot bag
- Rejected Absentee Ballots Envelope (EL-102)
- The Used Absentee Certificates Envelopes Envelope (EL-103)
- The Used Provisional Certificate Envelope
- Original tally sheet of federal, state, county and tech college offices and/or referenda and one copy of the voting machine tape, if any
- Certified copy of the Record of Activity (EL-104P)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the Statement of the MBOC (EL-106P)

Reporting and Posting Election Night Unofficial Results

- ▶ The county clerk's office must remain open to receive and post results on election night
- ▶ The county clerk should develop and document procedures for making results public
- ▶ Election results must be posted on the county website by reporting unit
- ▶ Other suggestions for making results public
 - Posted outside of office or in media area using tally sheets, machine tapes, etc.

Delivery of Election Materials to the County Clerk

- ▶ The municipal clerk ensures that materials are delivered to the county clerk no later than 4 pm the day following the election.
 - Municipal Returns Checklist sample
- ▶ Before the canvass meeting, sort materials, examine for completeness and flag any errors
- ▶ If any returns are so informal or defective that the board will not be able to intelligently canvass them, direct the municipality to remedy defects

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: June 13, 2018

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Meagan Wolfe, Interim Administrator
Richard Rydecki, Elections Supervisor
Michael Haas, Staff Counsel

SUBJECT: **Important Ballot Deadlines, Changes to Overseas Voting and Webinar Announcement**

This memorandum outlines two immediate changes that local election officials are required to make pertaining to temporary overseas electors, reviews important absentee ballot deadlines, and outlines additional training resources.

Changes Related to Temporary Overseas Electors

Effective for the 2018 Partisan Primary, temporary overseas electors have the right to receive an absentee ballot electronically and they may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. The U.S. Department of Justice has authorized a lawsuit against the State of Wisconsin due to differences in the federal and state statutes related to the definition of overseas electors. To resolve the discrepancy and the litigation, the Wisconsin Elections Commission and the Wisconsin Department of Justice are executing a consent decree with the federal government to permit temporary overseas electors to receive a ballot electronically and to use the FWAB to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices.

Additional information regarding recent developments and the legal issues involved is contained in the attached Commission staff memo to the Commission. In short, Wisconsin Statutes create a distinction between Wisconsin voters who are overseas permanently and have no intent to return to Wisconsin, and those who are out of the country on a temporary basis and do intend to return to the state. Temporary overseas electors may be traveling overseas on a short vacation or working on a short- or long-term basis in another country. Regardless of the length of their stay overseas, these voters are considered temporary overseas electors if they have an intent to return to Wisconsin. They may cast votes for all offices on the ballot, unlike permanent overseas electors who may vote only in contests for federal offices.

Temporary overseas electors are currently treated the same as regular absentee voters. There is no space on the voter registration application or the absentee ballot request form to identify themselves as temporary overseas electors and they are not categorized separately in WisVote. Clerks may not even realize these voters are overseas if they have asked for a ballot to be transmitted by fax or email. Under Wisconsin Statutes, clerks may not transmit a ballot to temporary overseas electors electronically, although the federal court order in the *One Wisconsin Institute* case has modified that rule so that clerks have the option to transmit ballots electronically to any absentee voter. Also, they have not been tracked as part of the absentee ballot data that the Commission has collected and transmitted to the U.S. Department of Justice to ensure that military and overseas electors have sufficient time to obtain and return absentee ballots.

Under the new federal court consent decree, if a voter self-identifies as a temporary overseas elector (having an intent to return to Wisconsin), the municipal clerk must transmit an absentee ballot electronically if the elector has requested that method of transmission. Please note that absentee ballots cannot be transmitted to temporary overseas electors through MyVote and WisVote because these voters remain subject to the Photo ID requirement which requires the clerk to first review the photo identification or confirm that one is already on file for that elector. Therefore, absentee ballot can be electronically transmitted to temporary overseas electors only by email or fax.

The second change required by the new federal court consent decree is that temporary overseas electors may now use the Federal Write-In Absentee Ballot (FWAB) to cast their votes, just as permanent overseas electors may now do. The FWAB is a backup ballot which overseas electors may download, write in candidates, and submit to their municipal clerk, and which is counted if the elector does not have time to obtain and return an official ballot. Wisconsin clerks typically receive relatively few FWAB's and temporary overseas electors are currently permitted to use them as an absentee ballot application, but not as an actual ballot. The FWAB may be viewed on the website of the Federal Voting Assistance Program in the U.S. Department of Defense at this link: <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>.

Finally, because the federal government's definition of overseas electors includes temporary overseas electors, the requests and absentee ballots of temporary overseas electors must be tracked for federal elections in the same way that ballots for permanent and overseas electors have been tracked in recent elections cycles. The reporting process is outlined below.

Please note that the rules regarding the type of ballot issued to permanent and overseas electors are not changing. Permanent overseas electors are still restricted to the federal-only ballot, while temporary overseas electors and military electors are entitled to vote for all offices.

As part of the consent decree, the WEC will provide guidance to clerks and voters, alter forms and instructions, and publicize the changes on the agency website and through a press release distributed to organizations which work with overseas electors. The changes required under the consent decree were included in legislation which passed the Assembly but did not pass the Senate in the last legislative session. The Commission will work with the Legislature and expects that the terms of the consent decree will be incorporated into future legislation.

Upcoming Ballot Deadlines for Military and Overseas Voters

Federal and state law require that you send absentee ballots to your military and overseas electors with requests on file in accordance with the deadlines set forth below. Military, Temporary Overseas and Permanent Overseas voters may request to receive their ballot via email or fax and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Any requests received after the federal deadline on June 30, must be honored within 24 hours and the ballot must be sent by the method requested by the voter.

Reminder:

1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, June 28, 2018, you MUST send them the requested ballot no later than

Thursday, June 28, 2018.

2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on June 29 or June 30, 2018, you MUST send them the requested ballot no later than

Saturday, June 30, 2018.

In the past, there were lengthy absentee ballot reporting requirements that municipalities and the State were required to complete for the U.S. Department of Justice (USDOJ). The reporting requirements were a result of legal action taken by a federal court due to non-compliance with the deadlines by numerous Wisconsin municipalities. While we are not currently subject to these same reporting requirements, the USDOJ has again asked Wisconsin, along with all other states, to track and report information concerning all military and overseas (both permanent and temporary) absentee ballots to ensure that they are issued in accordance with the federal deadlines. Strict compliance with ballot delivery and ballot tracking deadlines will increase our ability to avoid future legal action.

Whenever any absentee ballot is requested, issued, or received, municipalities must record this information in WisVote within 48 hours. Relier municipalities have 48 hours to forward absentee ballot information to their WisVote Provider, who has an additional 24 hours to record the information. These requirements mean it is no longer sufficient to only enter absentee ballot data into an absentee log. The data must be entered into WisVote within the required timeframes.

Military and Overseas Voting Webinar

Wisconsin Elections Commission staff will be hosting a training webinar on June 20, 2018 to discuss the details of changes made to the Temporary Overseas elector procedures and outline the ballot transmission deadlines for the August 14, 2018 Partisan Primary. The webinar details are as follows:

August Primary Ballot Deadlines and Changes to Overseas Voting

June 20, 2018, 10:00 a.m. – 11:00 a.m.

Registration Link:

<https://attendee.gotowebinar.com/register/3288575898407084033>.

The Partisan Primary is a federal election that requires strict adherence to federal and state laws regarding absentee voting by military and overseas voters. Recent legal action by the federal government now requires clerks to honor requests from voters who are temporarily overseas to receive a ballot via email or fax. Temporary Overseas voters can also use the Federal Write-in Absentee Ballot (FWAB) as both a ballot request and a write-in ballot. This webinar will also discuss clerk responsibilities for the upcoming June 2018 ballot deadlines for military and overseas voters and provide information about ballot delivery methods and instructions for sending ballots via email and fax.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors can cast their ballots. We feel confident, that with your cooperation, all military and overseas voters from Wisconsin will receive their ballot on or before the deadlines for the August 14, 2018 Partisan Primary and that we will be able to promptly submit the required absentee ballot data to the USDOJ.

If you have any questions about the changes to the requirements, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC helpdesk at elections@wi.gov or (608) 266-8005.

2018 UOCAVA Ballot Deadlines for August and November Elections

August 14, 2018 Partisan Primary		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, June 27, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, June 28, 2018	Thursday, June 28, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, June 30, 2018	Saturday, June 30, 2018 (45 days prior to the election)
November 6, 2018 General Election		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, September 19, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, September 20, 2018	Thursday, September 20, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, September 22, 2018	Saturday, September 22, 2018 (45 days prior to the election)

To help clarify the UOCAVA absentee deadlines for the August 14, 2018 Partisan Primary, we are providing the following scenarios. Please use these scenarios as a reference for sending out absentee ballots to your UOCAVA voters.

Scenarios for Thursday, June 28, 2018

Deadline 1: State UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year or only for the August 14, 2018 Partisan Primary. The request is received by the clerk after June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on Tuesday, July 3 at noon you must send the ballot no later than Thursday, July 5 at noon (July 4 is a state holiday). But see the exception under Scenarios 1 and 2 of the Federal Deadlines guide below for requests received on or before June 30, 2018.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenarios for Saturday, June 30, 2018

Deadline 2: Federal UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk after June 30, 2018.

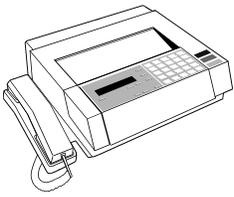
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on a Friday at noon, you must send the ballot no later than Monday at noon.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 30, 2018.

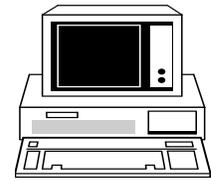
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 4: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk after June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day from receiving the request. For example, if you receive the voter's request on a Monday, you must mail, email, or fax the ballot no later than Tuesday.



Faxing or E-mailing Absentee Ballots



All voters can request to have an absentee ballot emailed or faxed to them. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

REQUEST

- **Review the written request for an absentee ballot from a qualified elector.** The absentee application request may be on the form prescribed by the Wisconsin Elections Commission (WEC) (Application for Absentee Ballot EL-121) or may be in the form of a letter, email or fax that contains the information needed for an absentee ballot request. Remember, the request must be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the MyVote Wisconsin website: MyVote.wi.gov. You will receive an email notification when the voter makes their request through MyVote.
- **All voters may receive their absentee ballot by mail, email or fax.** However, clerks must honor email and fax requests from Military, Temporary Overseas and Permanent Overseas voters. Military, Permanent Overseas, indefinitely confined, and confidential voters do not need to provide a photo ID with their request. Regular and Temporary Overseas voters must provide a photo ID with their absentee ballot request.
- After determining that the elector is qualified to receive an absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

FAXING

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Certification Envelope](#) along with the [Uniform Instructions for Absentee Voters](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. A U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.
- When faxing to military and overseas voters (temporary and permanent), follow procedures set out in [Fax & Email Guidelines](#) provided by the Federal Voting Assistance Program.

E-MAILING

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.

- Email the initialed ballot and the face of the [Absentee Ballot Certificate](#) along with the [Uniform Instructions for Absentee Voters](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. An U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

RETURN

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot.
- The USPS recommends that ballots be mailed at least one week prior to the date of the Election to arrive on time. If the ballot is returned from overseas, the ballot should be mailed earlier.

DOCUMENTATION

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk's office, the municipal clerk or their WisVote Provider records the information in WisVote. The clerk ensures the certificate is attached to the envelope holding the ballot. If the certificate is not attached, the clerk uses tape or glue to affix the certificate to the envelope. If the voter did not seal the ballot in an envelope as directed, the clerk encloses the ballot in a certificate envelope and affixes the completed certificate. The clerk delivers the ballot to the appropriate polling place in a carrier envelope.
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors so the ballot is accepted by electronic tabulating equipment.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: March 13, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Pilot Program Details

Introduction

The Badger Book will be used in 5 polling locations for the Spring Election on April 3, 2018. Staff seek to evaluate the performance and usability of the Badger Book e-poll book software and determine how it interacts with hardware selected by staff. The pilot program will provide the opportunity to gather feedback and make improvements before making the system available statewide for the August and November elections.

Software Features and Hardware Configurations

Staff determined three main functions that the Badger Book will cover: checking in a voter, processing an absentee ballot, and registering a voter. In addition, the software will support the redirection of voters who attempt to vote at the wrong polling place, capture misspelling notes on a voter record, direct a poll worker to offer provisional voting opportunities in appropriate situations, and allow local elections officials to print necessary reports for post-election activities. These features will be supported by a barcode scanner which will have the ability to search for the voter by name during the check in process and for an absentee ballot by the mailing ID listed on the absentee ballot return envelope.

When the voter data is downloaded from WisVote and transferred to the USB to be loaded onto the Badger Book, all poll book information will become encrypted. Voter data will then only be accessible to those with a login to the Badger Book system. The Badger Book devices will not be connected to the internet on Election Day.

Two configurations for hardware will be used during the pilot in the Spring Election:

1. The City of Brookfield and City of Mequon will use the Point of Service configuration. Each Badger Book station will include:

- ELO PC all-in-one with a 15-inch monitor (election inspector facing)
 - 10-inch ELO touchscreen monitor (voter facing)
 - Printer stand
 - Wireless keyboard
 - Wireless mouse
 - Thermal receipt printer
 - Barcode scanner
2. The Town of Trenton, City of Sun Prairie, and City of Beloit will use the tablet-based option. Each Badger Book station will include:
- HP 2 tablet
 - Swivel base
 - USB hub extender
 - Wireless key board
 - Wireless mouse
 - Thermal receipt printer
 - Barcode Scanner

Participants

The pilot will take place in 5 polling locations. Staff has been in regular contact with the selected locations since November 2017. As part of participating in the pilot, clerks agreed to these stipulations:

1. The polling location must be willing to incorporate Election Day Registrations into the regular voter check in line.
2. Absentee ballots sent to the pilot location must not be pre-numbered.
3. Poll workers who will be working the pilot locations must attend Badger Book training the week prior to Election Day.
4. The polling location should be equipped and prepared to run the election as if there were no e-poll books. The polling location and poll workers must be equipped to switch to paper poll book process if needed.
5. For voters registering on Election Day, election inspectors will need to use their existing process to district voters and make sure they are in the correct polling location. The Badger Book will not be able to make that determination.
6. Either the clerk or a designee will need to be on site at the polling location to assist in troubleshooting with poll workers and collecting feedback.
7. Hardware will be provided at no cost for the pilot.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	County	Polling Location	Ward(s)
City of Brookfield	Waukesha County	Brookfield Public Safety Building	Ward 14-17
Town of Trenton	Washington County	Trenton Town Hall	Ward 1-8

City of Beloit	Rock County	First Congressional Church	Wards 16
City of Sun Prairie	Dane County	Colonial Club	Ward 1-5
City of Mequon	Ozaukee County	Pieper Power Education Center	Wards 8-10

On Boarding

As part of being a pilot location, each clerk has agreed to additional training for their poll workers on March 26-29. Clerks will find and secure a training location in which to train their poll workers on the Badger Book. Poll workers will be required to receive training on all three functions: Voter Check In, Processing an Absentee, and Election Day Registration. Additionally, most clerks will hold a voter event to provide voters the opportunity to ask questions and acquaint themselves with the equipment before Election Day. Details about training, voter events, hardware configuration, and the staff resources are found in the table below.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	Training Date	Voter Event	Type of Hardware	Assigned Election Day WEC Staff
City of Brookfield	3/27	3/27 2:00pm – 5:00pm	Point of Service	Sara Linski
Town of Trenton	3/26	n/a	Tablet based	Christopher Doffing
City of Beloit	3/28	3/28 11:00am – 12:30pm	Tablet based	Robert Williams
City of Sun Prairie	3/29	3/29 12:00pm – 2:00pm	Tablet based	Mike Nelson
City of Mequon	3/26	3/26 4:00pm – 5:30pm	Point of Service	Michelle Hawley

Methods for Feedback

To evaluate the Badger Book, several strategies will be employed to collect feedback. Timing feedback will be collected using the Voter Wait Time Tool from the Election Tools resources. Voters will be asked to hold scanned cards at the beginning of the line and to hand them back to a poll worker at the end of the check in process where they will be scanned back in. This data will then be sent back to the website TimeStation where we can evaluate the wait time a voter experienced at a site using the tablet-based configuration and the point of service-based configuration. This data will be compared against two paper poll book sites in the Village of Waunakee and City of New Berlin who will also be collecting voter wait time data. Poll worker satisfaction and usability feedback for hardware and software will be gathered by paper survey

completed at the end of their shift. Additionally, feedback will be gathered from voters via optional paper surveys to complete before leaving the polling location. Using these strategies, the pilot will aim to answer the below questions:

Hardware and Configuration

- Is the hardware easy and intuitive for a poll worker and voter to use?
- Did scanning and typing to search for a voter move any more quickly than searching for a voter by hand on the paper poll book?
- Did the point of service hardware configuration perform better or worse than the tablet-based configuration?
- How did the consolidation of lines for Check-In and Election Day Registrations impact the voter experience overall?
- Were there any communication lapses or issues between networked Badger Books?

Software

- Do poll workers struggle to find the next step in a process?
- Do poll workers struggle to find how to go back a step in the process?
- Was there any information lacking on any screen that impeded a poll worker's ability to perform their job?
- Did any instructions in the poll book conflict with training provided at the municipality level?
- Do poll workers feel more confident in their ability to evaluate a photo ID?
- Were poll workers able to validate voter numbers throughout the day?
- Do poll workers feel it is easier to find the correct voter using the e-poll book versus paper poll book?
- Did any language create confusion for what a poll worker is supposed to do next?
- Did the addition of the statewide voter database for redirection purposes provide any benefit?
- How often does a poll worker require assistance to navigate the system?
- What, if any, scenarios arise that the Badger Book cannot handle?

Post-Pilot Activities

After the election, staff will reconvene to share experiences and evaluate poll worker, voter, and clerk feedback to determine what improvements or fixes need to be made to the system before launch. Staff will work with the development team to make these changes and with the PDS team to redesign the hardware configuration, if needed. Beyond that, developers will focus on creating clerk workflows in WisVote to manage their own data download before the election and upload voter participation and voter registration information post-election. Staff will also work to provide additional opportunities for clerks to evaluate the Badger Book for purchasing purposes in summer 2018.

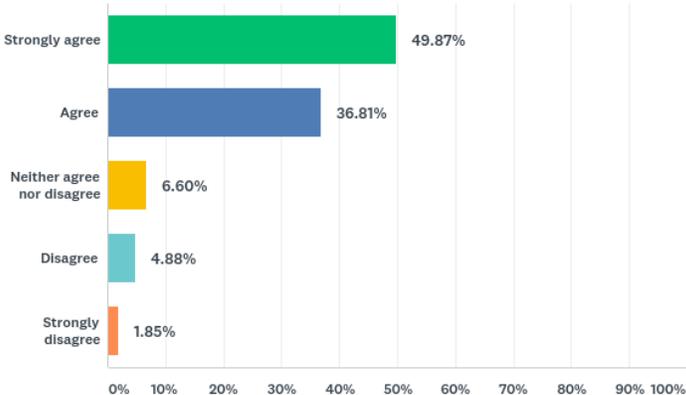
Badger Book Pilot

Spring Election 2018 Feedback

Data below is reflective of data collected from 40 poll workers and 760 voters who participated in the Badger Book pilot in Beloit, Brookfield, Mequon, Sun Prairie, and Trenton.

Voter Experience

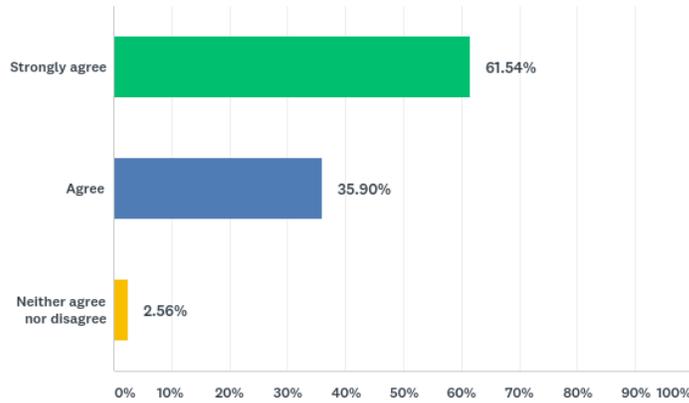
Q2 The electronic poll book was quick and easy for me to use



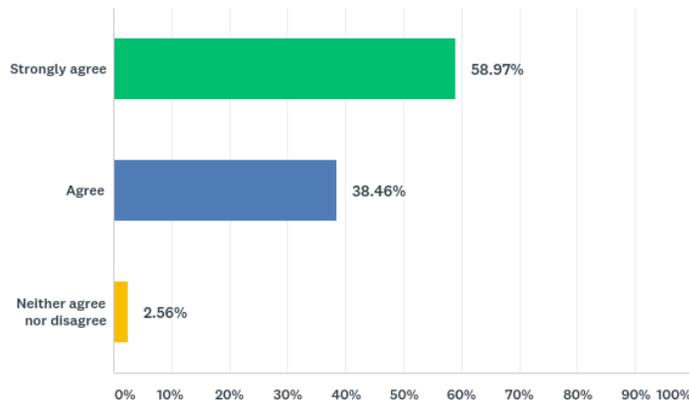
Poll Workers

Check In

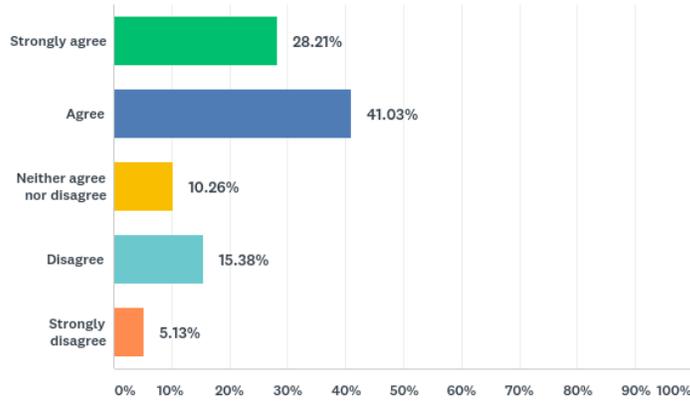
Q12 Overall, I am satisfied with the ease of completing the task of checking in a voter



Q13 Overall, I am satisfied with the amount of time it took to check in a voter

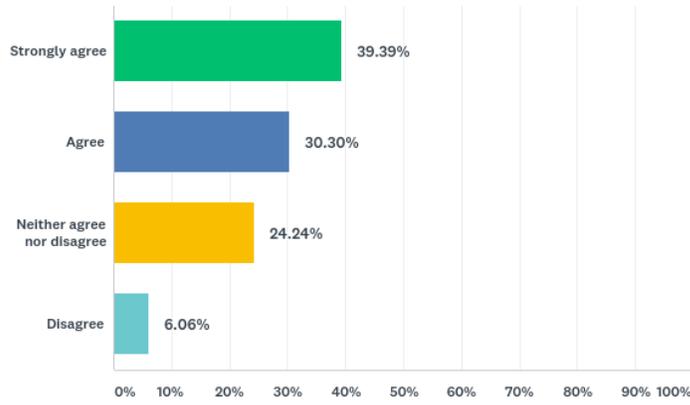


Q46 We had enough devices to manage the lines appropriately

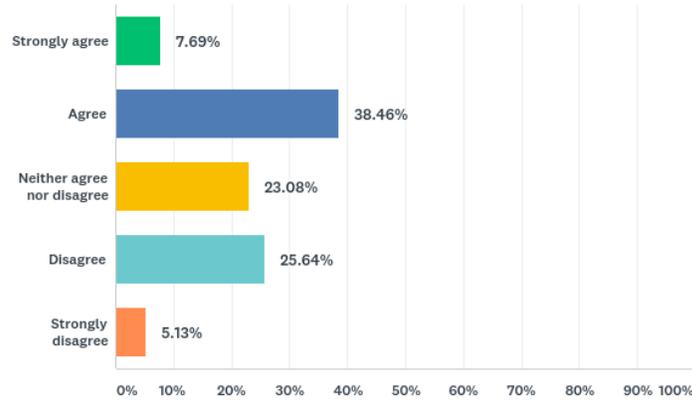


Registration

Q32 Overall, I am satisfied with the amount of time it took to complete an Election Day Registration



Q45 Registering voters in the same line as check in worked well in our polling location



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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 12, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Interest Level and Implementation Plans

The Wisconsin Elections Commission recently conducted a pilot test during the 2018 Spring Election to evaluate the newly developed electronic poll book - the Badger Book. Staff is still in the process of reviewing feedback from clerks, poll workers, voters and voter wait time data. The results of this feedback will be used to update the system before making it available statewide.

To gain perspective on your interest and/or plans to purchase and use Badger Books, staff requests that you [click here to complete the Badger Book Interest Level and Implementation Plans survey](#). Information collected from this survey will not be used as a purchase order for the electronic poll books, but staff will use the results to develop and deploy a roll out strategy for those interested in implementing in 2018. **If you plan on purchasing and using Badger Books in 2018, please complete the survey by April 27.**

If you have questions or concerns related to this request, please contact the Elections Commission Help Desk at elections@wi.gov or (608-261-2028).

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the Meeting of May 24, 2018

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

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

SUBJECT: Update on ERIC Supplemental Poll List Process

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

Background

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

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

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

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

Preparing the ERIC Supplemental Lists

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

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

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

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

Election Day Observations

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

Statistics

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

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

Recommendations for Upcoming Elections

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

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

Continuing Cooperation with DMV

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

2018 Mailing to Eligible but Unregistered Voters

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

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

Conclusion and Motion

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

Recommended Motion:

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

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



Upcoming elections
August 14, 2018
November 6, 2018

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



NONPROFIT ORG
US POSTAGE
PAID
MADISON WI
PERMIT NO 1369

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

Register to Vote Online - Visit myvote.wi.gov and click Register to Vote

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

Think you are already registered? Go to myvote.wi.gov to verify your registration.

MyVote está disponible en español

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

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

GINNY A EIDE
PO BOX 70
111 S WATER ST
ALBANY WI 53502-9429



WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission's Presentation

to the

LEAGUE OF WISCONSIN MUNICIPALITIES Clerks, Treasurers & Finance Officers Institute

Thursday, June 14, 2018

1:00 p.m. – 4:15 p.m.

Chula Vista Resort

2501 River Road

Wisconsin Dells, WI 53965

AGENDA

1:00 p.m. – 4:15 p.m.
(15 minute break)

Greetings

2018 Elections Commission Activities

Richard Rydecki, Elections Supervisor

Diane Lowe, Lead Elections Specialist

Bill Wirkus, Elections Specialist

- Legislative Update
- Election Security
- Counting Votes at the Partisan Primary
- Canvass Process
- UOCAVA Deadlines
- Political Party Election Mailings
- Badger Book Project
- ERIC Supplemental List and Upcoming Mailing

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 27, 2018

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Richard Rydecki
Elections Supervisor

Robert Williams
Elections Specialist

SUBJECT: Wisconsin Act 326: Elected Officials as Election Inspectors

[Wisconsin Act 326](#) (Act 326) was enacted on April 16, 2018, making changes to statutes related to the standards for election inspectors in Wisconsin Statutes, Chapter 7. Pursuant to a long standing legal opinion from the Government Accountability Board and upheld by the Wisconsin Elections Commission, local elected officials have been prohibited from being appointed as election inspectors.

Under Act 326, the rules regarding this prohibition have been relaxed. Act 326 amends [Wisconsin Statutes, Chapter 7.30\(2\)\(a\)](#) so that local elected officials are now allowed to be appointed as election inspectors without having to vacate the local public office. However, in first class cities, the prohibition remains in effect. Act 326 is effective as of April 18, 2018. On or after that date, clerks may appoint local elected officials as election inspectors at the beginning of a new term or to fill election inspector vacancies in the interim.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

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

Prepared and Presented by:

Tony Bridges

Riley Willman

WisVote Specialist

Election Administration Specialist

SUBJECT: Elections Security Staff Update

I. Introduction

In March 2018, the Wisconsin Elections Commission (WEC) received a **\$6,798,318** grant award to improve the administration of elections for Federal office, which includes **technology enhancements and election security improvements to its systems, equipment, and processes used in federal elections**. State law requires compliance with the §16.54 process for a state agency to accept federal funds and this process involves several steps. An initial step was completed when the agency received written confirmation from the Department of Administration with approval for the acceptance of the grant money on April 24, 2018.

II. Request for Six Federally-Funded Positions

The **Wisconsin Elections Commission granted staff authority to explore and make purchases regarding security-related software and request the creation of six federally-funded positions at its April 18, 2018 meeting (at a cost not to exceed \$600,000 annually)**. Position authority may be granted through the §16.54 process and the hiring of the six project program positions will allow the WEC to implement and achieve the grant's goals and objectives, and to comply with the terms and conditions of this grant.

The Wisconsin Elections Commission requested the creation of 6.0 full-time equivalent 48-month federal project positions from the **Department of Administration (DOA)** on May 9, 2018. A draft position description for each position was submitted for consideration as part of the agency's request. If approved, these positions would be federally funded from June 1, 2018 – June 1, 2022. The six requested positions are as follows:

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

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

III. Technical Implementations

In addition to the ongoing support that the WEC provides local election officials, staff is also pursuing several different options to improve technical controls that secure access to WisVote and other critical systems. These are combinations of software and hardware that make it more difficult for malicious or simply careless actions to jeopardize the safety of WEC systems and data. The Commission approved the agency incurring expenditures regarding these technical upgrades at its meeting on April 18, 2018 and staff has provided updates on these projects below.

A. Multi-Factor Authentication

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

B. Active Directory Federated Services

The WEC uses an industry-standard authentication technology called **Active Directory** to manage user accounts and passwords that allow access to WisVote. Active Directory works seamlessly within a network for server access, but to provide access to a website like WisVote, it requires an intermediary service called Active Directory Federated Service (AD FS). Currently, WisVote uses an AD FS server operated by DET. This setup allowed WisVote to launch in accordance with the 2016 deployment schedule, and currently relieves WEC of some development and maintenance requirements. However, it also ties the authentication of WisVote users to the authentication of several other State of Wisconsin systems. This configuration makes it harder for WEC developers to

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

C. Clerk Emails

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

D. Centralization of Web Applications

The WEC provides access to several web applications for clerks and for the general public. Several of these systems have previously been designated as high-security systems and are maintained within the state network on virtual servers provided by DET. This setup affords them a high degree of initial security, including strong perimeter security, protection against bandwidth attacks (DDOS), top-tier endpoint security, third-party penetration testing, and more. However, some sites that had not previously been designated high security have been hosted by a third-party vendor. Based on a number of factors, including a reassessment of the impact of malicious modification of those sites, WEC staff has decided that those sites should be hosted on the state network as well. This change will require a significant amount of coordination with the current service provider to avoid disruptions during the transition, and staff expects to complete the transition this fall.

E. Vulnerability Scanning

Agency servers exposed to the internet are regularly scanned by the Department of Homeland Security for known vulnerabilities, and servers within the state network are regularly scanned by DET. However, DHS does not do internal scanning, and DET does not currently provide the agency with comprehensive reports regarding the results of scanning efforts. Staff has made arrangements with DET to increase the scope and accuracy of the internal scans, and to provide reports on the results directly to WEC staff for review. The first trial of this scan is expected to be complete by May 24.

IV. Local Election Official Security Training and Communications Update

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

A. Local Election Official Security Training

In March of 2018, Wisconsin Elections Commission staff attended an election security training and tabletop exercise hosted by the **Defending Digital Democracy project at Harvard Kennedy School of Government's Belfer Center in Boston, Massachusetts.** At the event, WEC staff worked with election officials from across the United States to learn about election security best practices, as well as to participate in a tabletop exercise (TTX) that simulated potential real-life security-related events that can occur leading up to Election Day.

The purpose of a TTX is to provide participants experience in election official roles different from their own and to make participants aware of the various types of potential incidents that could arise on Election Day. These incidents are scripted before being introduced into the simulation and cover a wide variety of topics and severity, ranging from weather-related issues that could potentially impact polling places, to larger cybersecurity incidents that would require working with IT professionals. Throughout the TTX, participants can test their continuity plans against the incident injects in a low-stress environment to determine their efficacy. In addition to creating and improving continuity plans, a goal of the TTX is for participants to see how they can successfully implement measures to prevent election security incidents from occurring.

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

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

B. Communications Plan

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

WEC staff will prepare communication materials and contingency plan templates that will be useful to clerks throughout the election administration process. Feedback from the recent election security survey that was sent to county clerks indicated that clerks have found WEC-produced templates and step-by-step guides helpful and efficient resources. **A security communications template and guide will be created by WEC staff that allows for the local election officials to quickly outline the appropriate contact information for resources in the event of a potential security question or incident. The goal of these guides and templates are to help local election officials have a high-level understanding of best practices when communicating during an incident, as well as to reinforce that WEC staff are a resource for clerks to contact if they have questions or need assistance in resolving an incident.**

C. Monitoring and Distributing Security Alert Information

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

V. Collecting Feedback from Key Election Security Partners

As WEC staff works on implementing security trainings and publishing guides for local election officials before the August and November elections, there are additional plans to implement a second phase to keep Wisconsin's elections safe and secure. WEC staff is currently in the process of creating an avenue for key election security partners such as DHS, DET, county clerks, municipal clerks, and members of the public to provide feedback on how the HAVA security funds should be spent.

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

In March, WEC staff sent a survey to county clerks to ask for information about their current election security programs before planning a statewide training program. A similar approach will occur after the

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

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

Personal Computer Security Checklist

Computer/Laptop Security

<input type="checkbox"/> Is your operating system up-to-date	<p>Windows and Apple operating systems will have settings that allow the automatic download of patches and updates. Allowing automatic installation of the updates is up to you, but at least enable to auto-download and notify.</p>
<input type="checkbox"/> Do you have an antivirus installed	<p>For Windows-based systems, Windows Defender is adequate. Avast is a highly-rated program with versions for multiple operating systems (Mac, Windows & Android). Kaspersky is also highly-rated but has been banned from Federal networks due to security concerns.</p> <p>As with your OS, make sure your antivirus remains up-to-date.</p>
<input type="checkbox"/> Are the applications you use up-to-date	<p>Not all programs have an auto-update option when a newer version is available and you may need to check on your own. If a developer no longer supports a program you use, consider finding a replacement.</p>
<input type="checkbox"/> Have you rebooted your computer recently	<p>While some updates don't require a restart to take effect, a majority will. For updates that require a restart, you will generally get a notification to this effect. If you leave your computer on when not in use, get in the habit of restarting on a regular basis to make sure everything is truly updated.</p>

<input type="checkbox"/> Is your information securely backed-up	<p>A new trend in malware is ransomware. These attacks will encrypt all the data on your hard drive and will demand payment to provide the decryption key. Without this key, your data is lost forever. If you have your data backed-up, you can wipe the hard drive and reinstall. There are online back-up services and you can also buy desktop hard drives to do the same – make sure the back-up is not connected to your computer or it will be encrypted as well.</p>
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Web Browser Security

<input type="checkbox"/> Do you have an ad-blocker installed	<p>Malicious advertisements are increasingly being used to infect computers. There are multiple, reputable, options for ad-blockers depending on the browser you are using. Adblock Plus is available for Internet Explorer, iOS, and Firefox. uBlock Origin is available for Chrome, Firefox, Safari, Opera, and Edge (Windows 10 browser).</p>
<input type="checkbox"/> Is your web browser up-to-date	<p>Yes, this is a theme. Browsers are updated to fix exploits and improve operation often. Enable automatic downloads of updates and restart your browser after installation.</p>
<input type="checkbox"/> Use private windows	<p>Most browsers will come with a privacy-browsing option: InPrivate browsing for IE, Incognito for Chrome, etc. Familiarize yourself with these options and use them when accessing sensitive information. Private windows prevent malicious code in other tabs from “seeing” or interfering with what you are doing in a private window.</p>

<input type="checkbox"/> Use https:// when available	<p>Https is a secure, encrypted connection from your computer to a website. Many services offer encrypted and unencrypted versions of their website and most will default to secure https when you are on the login screen. You can confirm if you are viewing the encrypted website by the presence of a green lock icon or seeing https in the web address. While https will not protect your information on an already-compromised computer, it will prevent someone from snooping on the connection between your computer and a website. If you do not see the green lock, you can manually enter https:// as part of typing a URL to force the secure connection if it is available. There is also an extension called HTTPS Everywhere that is available for Chrome, Firefox, Opera, and Edge that forces the use of the encrypted option on supported websites.</p>
<input type="checkbox"/> Disable Flash	<p>Flash is a popular vector to attack computers. If you cannot disable Flash, at least set it to “Ask first” – this will prevent flash from running automatically when a webpage loads. In most browsers this is a default setting, but check to make sure it is enabled.</p>

Password Security

<input type="checkbox"/> Don't reuse passwords	<p>The use of the same password across multiple services means if any of those services are compromised, hackers can get into those other accounts as well. Make sure every password is unique to the service/site you are using it for.</p>
<input type="checkbox"/> Don't answer security questions	<p>Security questions are often publicly available information – mother's maiden name, elementary school, etc. If the information is out there, someone can use it to “recover” your password without needing to place malware on your computer. If a site insists on providing such answers, don't answer truthfully.</p>

<input type="checkbox"/> Use multi-factor authentication when available	<p>Many services are moving towards providing some sort of multi-factor authentication – Facebook and Gmail are such examples. The second authentication factor will prevent someone from accessing your information even if they have your username and password. In some cases, sites will notify you of the attempted login which will alert you to the potential compromise.</p>
<input type="checkbox"/> Use long passwords	<p>Increasing password length from 8 characters to 9 increases the amount of time needed by an automated password cracker from minutes to hours. Adding a 10th character will up that time to days. It is highly recommended that you make sure passwords are 12 characters or more. Even if a website or service doesn't require special password security (symbols or numbers), get in the habit of doing so anyway.</p>
<input type="checkbox"/> Consider using a password manager	<p>We choose poor passwords because we need to think of them and make them easy to remember. A password manager removes both of these concerns. There are secure online options like LastPass or 1Password that encrypt your passwords locally before saving them to the cloud. There are local password managers like Keepass that will save everything to your machine so you do not have to worry about cloud security, but you will need it separately on each device you use. You will still need a strong master password for access, it's easier to come up with and remember one strong password than fifteen.</p>

COUNTING VOTES AT THE PARTISAN PRIMARY

Statutory Authority

The information in this document was prepared by the staff of the Wisconsin Elections Commission and represents the staff's interpretation of the application of the law set out in Wis. Stat. § 7.50(2), to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions about the information contained in this document should be directed to the Wisconsin Elections Commission Help Desk at 608-261-2028 or via email at elections@wi.gov.

Public Counting

Counting votes is always done **publicly** after the polls close at 8:00 p.m. Vote counting is done by the election inspectors. The governing body of a municipality may also appoint tabulators to assist election inspectors with counting votes. Any person, including candidates at the election, may observe the counting of votes.

Voter Intent

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective, the election inspectors must attempt to determine the voter's intention. All inspectors must be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the election inspectors.

One common example of when a determination of voter intent must be made is when it appears an elector has overvoted an office on the ballot. If the majority of the inspectors agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If the majority of the inspectors agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote for that office only. A record is made on the Inspectors' Statement (EL-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted if voter intent can be determined.

Defective, Objected-to and Rejected Ballots

Whenever a ballot is found to be defective, is objected to, or is rejected, the ballot must be identified with a number and set aside. A notation must be made on the Inspectors' Statement (EL-104).

Defective Ballot: A ballot that is damaged, overvoted or otherwise difficult or impossible to determine voter intent.

Objected-to Ballot: A ballot on which one or more offices are defective and a minority of inspectors disagree with the intent determination of the majority.

Rejected Ballot: An absentee ballot which does not contain the signature of the voter and the signature and address of a witness. A ballot is also rejected if the certificate envelope contains more than one marked ballot of the same type.

Again, when there is a question on how a vote should be counted because the choice(s) is not clearly marked as prescribed by the instructions on the ballot, the decision is made by a majority of the election inspectors.

Counting Paper Ballots

Accuracy is essential when counting votes, especially when counting is done manually. Election inspectors should familiarize themselves with the proper procedures for counting votes marked on hand-count paper ballots as set out in the Counting Ballots section of the *Election Day Manual for Wisconsin Election Officials*. To alleviate fatigue and assure accuracy, all election inspectors and tabulators should be involved in counting votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted. There are examples of marked ballots with a special emphasis on handling write-in votes further on in this manual.

At a partisan primary, a voter may vote only in one party's primary. The voter marks only one party's ballot and deposits it in the locked or sealed ballot box. The unused ballots are placed in a locked or sealed discard box or container. When counting ballots, if two or more party ballots are folded together or a certificate absentee envelope contains more than one party ballot, examine the ballots carefully. If more than one ballot is marked, no ballot may be counted. The ballots are marked "crossover" and placed in the "Original Ballots" envelope. In the case of an absentee voter, the ballots are returned to the certificate envelope and marked "rejected-crossover."

Special Considerations Where Optical Scan (OS) Voting Systems are Used

Write-in Votes

Since the law does not require a voter to mark a square, arrow or oval to vote for a write-in candidate, care must be taken to assure that write-in votes are counted when the elector fails to mark a square/arrow/oval next to the write-in line, *if* the write-in vote is eligible to be counted. (See the Counting Write-in Votes section of this manual.) Likewise, it is equally important to ensure that write-in votes counted by the equipment are eligible to be counted.

The decision-making capability of optical scan equipment is limited. The voting equipment "decides" a vote based on its assessment of the marks placed on the ballot by the voter. The optical scan voting equipment will not "see" a write-in vote when the square/arrow/oval has not been marked. (Companies currently marketing OS equipment claim the ability to program the equipment to widen the optical eye path to include a name written in, but this feature has not been tested by the WEC). The OS voting equipment cannot differentiate between registered and non-registered write-in candidates, nor is it able to determine whether write-in votes are eligible to be counted. Therefore, inspectors must **examine each ballot** to determine if a write-in vote has been cast and if that vote has been counted properly or improperly. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

Adjusting the Machine Tape

In a case where a voter has marked the square/arrow/oval next to a ballot candidate and has also written in a name but did not mark the square/arrow/oval next to the write-in line, the equipment will "see" only the vote for the ballot candidate and record that vote. In this case, the

inspectors must adjust the machine tape to subtract one vote from the ballot candidate's total and then determine the eligibility of the vote for the write-in candidate. See the "Counting Votes/Optical Scan Ballots" section of the *Election Day Manual for Wisconsin Election Officials* and the "Write-in Votes" section of this manual.)

*Overvoted Ballots – If voter intent **can be determined***

When an optical scan ballot has been overvoted **but the intent of the voter can be determined, the ballot must be remade**. Two election inspectors transfer the votes onto a new ballot, duplicating the votes as they were marked by the voter on the original ballot, except that the office(s) that has been overvoted is marked to reflect the intent of the voter. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

*Overvoted Ballots – If voter intent **cannot be determined***

When an optical scan ballot has been overvoted **but voter intent cannot be determined**, the overvoted ballot is remade* by two election inspectors exactly as the voter marked the original ballot, except that the overvoted office(s) is left blank. The original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

*If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a ballot for which intent cannot be determined may be overridden. The voting equipment will not count votes for overvoted contests, but will count votes for all other properly marked contests.

Crossover Ballots

A crossover occurs when the voter has cast votes in more than one party and has not selected a party preference. No votes are counted for partisan contests in this case and the ballot must be remade or overridden.

The remade ballot is a blank ballot or only contains votes for non-partisan contests. As with overvoted ballots, the original ballot is assigned a serial number, starting with one, and labeled "Original Ballot 1." The duplicated ballot (blank ballot) is marked with the same serial number and labeled "Duplicate Ballot 1." The duplicate (blank) ballot is put through the electronic equipment and the original ballot is preserved in the original ballots envelope.

If the optical scan equipment has an "override" feature, and the municipality has been approved to utilize the override feature, a crossover ballot may be overridden. The voting equipment will not count any votes for partisan contests.

Whenever a ballot is remade or overridden, the action must be recorded on the EL-104 Inspectors' Statement.

For further instructions, see the "Processing Overvoted and Crossover Voted Ballots" section of the *Election Day Manual for Wisconsin Election Officials*.

WRITE-IN VOTES AT A PARTISAN PRIMARY

Determining Eligibility of Write-in Votes

Counting votes in an office where write-in votes are present can be complicated and requires a step-by-step approach to systematically separate which write-in votes are “eligible” for counting and which are “ineligible.” The following four principles will assist you in determining write-in vote eligibility and whether also marked ballot candidates can be considered.

The Four Principles of Counting Write-in Votes

1. If one or more ballot candidates of a specific party are listed under a given office—
Only votes for registered write-in candidates are eligible for counting.
2. If one or more ballot candidates of a specific party are listed under a given office, but one or more are deceased—
All write-in votes are eligible for counting.
3. If there are no ballot candidates of a specific party listed under a given office—
All write-in votes are eligible for counting.
4. If there is at least one write-in vote cast, (*regardless of the eligibility of the write-in vote*)—
No votes for ballot candidates may be considered.

Using this partisan primary ballot example, determine how this office should be counted by answering the four questions that follow the example. (The answers can be found in the four principles listed above.)

Sugar Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Pillsbury Dough Boy	
<input type="radio"/> Betty Crocker	
<input type="radio"/> Cookie Monster	
<input checked="" type="radio"/> <i>Grommet</i>	(Grommet is a registered write-

3 ballot candidates for a 1-seat office.

Question 1: How many votes is the voter entitled to cast? (Refer to the ballot instructions.)

- One. The instructions are “Vote for 1.” The voter has marked 4 candidates, which is 3 too many.

Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 1.)

- There is 1 position to be filled and 3 ballot candidates. Only votes for registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Grommet is a registered write-in candidate. The vote for Grommet is counted.
- The voter is entitled to no more votes.

Since Grommet’s vote has been counted, the following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.
- Ballot candidates may not be considered.

Final result:

- There are 4 votes marked for this office. The voter is only entitled to one vote.
- Only the write-in vote for Grommet is counted.
- The voting equipment has recorded this office as overvoted—no votes were recorded.
- No adjustment to the tape is required.

Note: *If Grommet were not a registered write-in candidate, the vote for Grommet would not be counted. And since there is a write-in vote for this Vote for 1 office, ballot candidates cannot be considered. In this case no votes would be counted.*

Here is another example that involves adjusting the machine tape:

Chocolate Chip Cookie Party	
Governor Vote for 1	Ballot instructions
<input type="radio"/> Missy Fields	
<input checked="" type="radio"/> Chip Ahoy	
<input type="radio"/> Sugar Sprinkle	
<input type="radio"/> <u>Cocoa Bean</u>	(Cocoa is a registered write-in candidate.)

Question 1: *How many votes is the voter entitled to cast? (Refer to the ballot instructions.)*

- One. The instructions are “Vote for 1.” The voter has marked 1 candidate and written in a candidate.

Question 2: *Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 2.)*

- There is 1 position to be filled and 3 ballot candidates. Only registered write-in candidates are eligible to be counted.

Question 3: *Is the write-in candidate registered?*

- Yes. Cocoa Bean is a registered write-in candidate. The vote for write-in candidate Cocoa Bean is counted.
- The voter is not entitled to any more votes.

The following question is not necessary, but the answer has still been provided.

Question 4: *Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.

Final Result

Machine Tape

Governor

M. Fields 45
C. Ahoy 33 (-1)
S. Sprinkle 15
wr-in 0 (+1)

- The write-in vote for Cocoa Bean is counted.
- The voting equipment has recorded a vote for the ballot candidate, Chip Ahoy.
- The inspectors must adjust the tape by subtracting a vote from Chip's total.
- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

More examples of counting vote for offices that contain write-in votes and involve adjusting the tape may be found at the end of this manual.

Write-in Vote Irregularities

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the inspectors to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Below are several general examples of write-in vote irregularities. These examples include, but are not limited to, general situations for all elections. Following the General Situations are examples specific to counting votes at the partisan primary.

General Situations

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted. Example: The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.

4. Only the last name of a person is written in. Count the vote if--
 - the person is a registered write-in candidate, and/or
 - the intent of the voter can be reasonably determined.
5. The voter wrote in a name but did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line--
 - No mark is required next to the write-in line to cast a write-in vote. If the write-in vote is eligible, it is counted.
6. A voter writes in the name of a registered write-in candidate **under an office other than the one for which the candidate is registered**--
 - The vote is counted for the office under which the name is written if:
 - The office under which the name is written has no ballot candidates or one or more ballot candidates is deceased, **and**.
 - The office under which the name is written is the same party in which the registered write-in candidate is running.
7. A name is written in **the margin**, rather than in an office space--
 - If the person whose name is written in is a registered write-in candidate, the name counted as a vote for the write-in candidate in the office and party in which he or she is registered.
 - If the name is that of a ballot candidate, the vote is counted for the candidate in the office and party for which he or she is registered.
8. The voter **marks the ballot for a name that is printed on the ballot and writes in another person's name for the same office**--
 - If the write-in vote is deemed eligible, the write-in vote is counted. The vote for the ballot candidate is not counted. (*See Principles 1 and 4 in the Determining Eligibility of Write-in Votes section.*)
9. The name of a Party X registered write-in candidate is written in under Party X, but for an office other than the one for which the candidate registered.
 - The write-in vote counts for the person for the office where the name is written, if there are no ballot candidates for the office or one or more ballot candidates is deceased. (*See Principles 2 and 3 in the Determining Eligibility of Write-in Votes section.*)

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
2. A name is written on the endorsement (back) side of a paper ballot.
3. The instruction on the ballot is "**Vote for one**," and the name of more than one person has been written in for a single office--
 - This is an overvote. No votes are counted for that office.

4. The instruction on the ballot is "**Vote for One**," and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office--
- This is an overvote. No votes are counted for that office.

Ballot Candidates as Write-ins

A write-in vote for a ballot candidate is always counted if it is written in under the office where the name is printed on the ballot. If a voter marks a ballot candidate’s name and writes in the same ballot candidate’s name for the same office, one vote is counted for the ballot candidate.

When a ballot candidate’s name is written in under an office other than where the name is printed on the ballot, *the vote may be counted if the office where the name is written—*

Election Type	Has fewer ballot candidates that positions to be filled, or one or more ballot candidates is deceased.	Is under the same party where the name is printed on the ballot.
Nonpartisan		
Spring Primary	X	
Special Primary	X	
Spring Election	X	
Special Election	X	
Partisan		
Partisan Primary	X	X
Special Primary	X	X
General Election		
Special Election		

PARTY PREFERENCE

Each ballot-status party in Wisconsin holds a primary on the 2nd Tuesday in August of an even-numbered year. Though the primaries are conducted on the same day, each party’s primary is considered a separate election event. At the partisan primary, a voter may choose ONE party’s primary in which to vote. By voting in a party’s primary, the voter is participating in the nomination process for candidates of that party.

There are several methods by which a voter selects the party in which he or she will vote.

Where hand-count paper ballots are used, the voter identifies their party preference when he or she chooses **one** party ballot on which to vote. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked “discard” box.

Where optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking a party preference. Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover. Selecting a party preference preserves the votes cast in the preferred party, while not counting votes cast in another party.

Voters do not always vote in the manner prescribed by law and as provided in the instructions on the ballot. A voter will often vote in more than party, either by mistake, misunderstanding or in a deliberate attempt to frustrate the purpose of the primary.

Before we get to examples of crossover voting and how to treat them, let's first review several rules regarding counting votes at a partisan primary.

- A. Selecting a party preference will preserve the votes cast in the preferred party even if the voter crosses over and votes in another party.
- B. Casting votes for candidates of only one party, is the same as selecting a party preference.
- C. If no party preference is selected, and the voter **marks more than one party's ballot**, no votes will count.
- D. If no party preference is selected, and the voter **marks only one party's ballot**, but on that same party ballot writes in the name of a ballot candidate or registered write-in candidate of another party, all votes are counted except the write-in vote.
- E. **Regardless if a party preference is selected**, the name of a ballot candidate or registered write-in candidate of Party X written on a Party Y ballot will never count.
- F. **Within the same party**, a voter may write in the name of a ballot candidate or registered write-in candidate for an office under a different office.

Count Write-in Votes at a Partisan Primary When:

(The following scenarios presume a write-in vote is eligible to be counted.)

1. **The voter has selected a party preference.** The voter casts votes in the preferred party and then marks candidates in another party--
 - The votes cast in the preferred party are counted. **Rule A**
2. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the party selected and writes in, on the that same party ballot, the name of a person who appears as a ballot candidate on a different party ballot--
 - All votes are counted except for the write-in vote. **Rules A, B and E**
The voter has not physically voted on more than one party's ballot.
The voter benefits from the party preference safety net.
3. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the selected party and then writes in a name on another party's ballot--
 - The votes cast in the selected party are counted. **Rules A and E**
 - The name written in on the other party ballot does not count.
Although the voter has physically voted on more than one party's ballot, he has benefitted from the preferred party safety net.
4. **The voter has not selected a party preference** but has voted for candidates of only one party. The voter writes in, on that same party ballot, the name of a person who appears as a ballot candidate in a different party--
 - All votes are counted except for the write-in vote. **Rules B, D and E**
The voter has not physically voted on more than one party's ballot.

5. A candidate's **name is printed on a party ballot** for one office, and the voter writes in that candidate's name for a different office **on the same party ballot**—
 - The vote is counted for the person for the office where the name is written. **Rule F**
6. The name of a registered write-in candidate is written in under an office other than the one for which the candidate registered, but in the same party for which the candidate registered--
 - The vote counts for the write-in candidate for the office where the name is written. **Rule F**
7. The name of a registered write-in candidate is written in under the office for which the write-in candidate is running, but in a different party--
 - The write-in vote is not counted. **Rule E.**

Do Not Count Write-in Votes at a Partisan Primary When:

1. **The voter has selected a party preference.** On the face of the ballot, in no party or office space, the voter writes the name, office and political party of a ballot candidate or registered write-in. The political party the voter has written is **different from the preferred party the voter selected** --
 - The vote is not counted. Any votes cast in the preferred party are counted. **Rules A and E**
The voter has voted on more than one party's ballot but has benefitted from the party preference safety net.
2. **The voter has not selected a party preference.** The voter casts votes for candidates on one political party's ballot, and then votes for a candidate on another party's ballot or writes in a name on another party's ballot—
 - No votes are counted. **Rule C**
The voter has physically voted on more than one party's ballot without the benefit of the party preference safety net.
3. The name of a registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement--
 - The vote is not counted. **Rule E**
7. A candidate's name is printed on a party ballot for an office and the voter writes that candidate's name under a different office on a different party ballot. --
 - The vote is not counted. **Rule E**

Here are a few more ballot examples:

Partisan Primary Write-in Vote Examples

All write-in names are assumed to be eligible to count.

<p>Example 1</p> <p>Party Preference</p> <ul style="list-style-type: none"><input type="radio"/> Country<input checked="" type="radio"/> Motown<input type="radio"/> Rock 'n Roll <p>Country Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Tammy Wynette<input type="radio"/> Donna Fargo<input checked="" type="radio"/> Robert Plant <p>Motown Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input type="radio"/> Diana Ross<input checked="" type="radio"/> Levi Stubbs<input type="radio"/> Tammy Wynette <p>Rock 'n Roll Party Representative to the Assembly Vote for 1</p> <ul style="list-style-type: none"><input checked="" type="radio"/> Eddie Vedder<input type="radio"/> Robert Plant<input type="radio"/> _____	<p>The voter has chosen Motown as the party preference. Choosing a party preference preserves votes cast in that party.</p> <p>Analysis:</p> <p>The write-in vote in the country party is not counted because the voter chose Mowtown as the preferred Party and because voter wrote in a ballot candidate from the Rock 'n Roll Party.</p> <p>In the Mowtown party, the voter has written in a Country Party ballot candidate (Tammy Wynette). The vote is not counted. Choosing a party preference preserves votes cast in that party, but not when a voter tries to force a Country singer to sing Motown.</p> <p>The vote for Motown ballot candidate Levi Stubbs is not counted either because of the write-in, even though the write-in wasn't counted.</p> <p>The vote for Rock 'n Roll Party ballot candidate, Eddie Vedder is not counted because the voter chose Motown as the preferred party.</p> <p>Result: No votes are counted.</p> <p>Effect on machine tape: Because the voter chose a party preference, the OS equipment scanned the only the Motown Party section. The equipment recorded a vote for Levi Stubbs, which must be subtracted on the tape.</p>
---	--

Example 2

Party Preference

- Country
- Motown
- Rock 'n Roll

Country

Representative to the Assembly

Vote for 1

- John Smith

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Diana Ross
- _____

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Eddie Vedder
- Robert Plant
- _____

The voter has chosen the Rock 'n Roll Party. Choosing a party preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party because the Rock n' Roll Party has been selected.

There were no votes cast in the Motown Party.

The vote for Rock 'n Roll ballot candidate Eddie Vedder is counted.

Result: Only Eddie's vote for Rock 'n Roll Assembly is counted.

Effect on machine tape: None. The Rock 'n Roll party was selected as the voter's preference. The OS machine only scanned the preferred party and recorded the vote for Eddie.

Example 3

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- Jim Morrison

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- ~~Patty LaBelle~~
- Jim Morrison
- Keith Moon

State Senator

Vote for 1

- Roger Daltrey
- Keith Richards
- Jay Black
-

(Keith Moon is a registered write-in candidate.)

The voter has chosen the Rock 'n Roll Party. Choosing a party preference preserves votes cast in that party.

Analysis:

Country Party

No votes are counted in the Country Party, because the Rock 'n Roll Party has been chosen as the voter's preference.

Rock 'n Roll Party (The preferred party)

Office of Rep. to the Assembly:

There is a write-in candidate for Assembly (registered write-in candidate Keith Moon). Keith's vote is counted, and the vote for Keith cancels the vote for ballot candidate, Patty.

State Senator

The voted for ballot candidate Roger Daltrey is counted.

Result: The write-in vote for write-in candidate Keith Moon for Assembly is counted. The vote for Patty LaBelle is not counted. The vote for Roger Daltrey for Senate is counted.

Effect on machine tape: The OS equipment scanned only the preferred party (Rock 'n Roll) and counted the vote for Patty LaBelle for Assembly. The write in vote for Keith Moon was not recorded. In the office of Rep. to the Assembly, subtract a vote from Patty LaBelle and add a write-in vote for Keith Moon.

Example 4

Party Preference

- Country
- Rock 'n Roll

Country Party

Representative to the Assembly Vote for 1

- Miranda Lambert
- ~~Tammy Wynette~~
- Donna Fargo
- ~~Jim Morrison~~

State Senator

Vote for 1

- Tammy Wynette

Rock 'n Roll Party

Representative to the Assembly Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black
-

The voter has not chosen a party preference.

The voter has marked candidates in only one party (**Country**).

Analysis:

Jim Morrison, a Rock 'n Roll Party ballot candidate for assembly has been brought over to the Country Party as a write-in candidate to masquerade as a Country singer (yeah, right). Jim Morrison's vote for Congress in the Country Party is not counted.

The presence of a write-in vote in an office means a vote for a ballot candidate in that office cannot be counted, even if the write-in cannot be counted either. The vote for Tammy for Assembly is not counted.

Tammy Wynette is a Country Party ballot candidate for Assembly. Her name has been written in for State Senator in the Country Party. Since the voter has written in Tammy for a different office but in the Same Party, Tammy's vote in the office of State Senator is counted.

No votes were cast in the Rock 'n Roll Party

Result: No party preference was selected, but the voter's marks are confined to the Country Party; no marks were made in any other party. The voter's attempt at making a country singer out of Jim Morrison backfired. Not only could the write-in vote for Jim be not counted, but it also cancelled out Tammy's vote in that office.

Effect on machine tape: None. In the Country Party Assembly contest, the ovals of a ballot candidate and a write-in were marked. The OS equipment saw it as an overvote and did not record a vote. The write-in vote for Country Party Senator was picked up by the equipment.

Example 5

Party Preference

- Country
- Rock 'n Roll
- Opera

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
-

State Senator

Vote for 1

-

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black

Opera Party

Representative in Congress

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- Beverly Sills

State Senator

Vote for 1

- Luciano Pavarotti
- Maria Callas
- Renee Fleming
- Beverly Sills

The voter has not chosen a party preference.

No votes were cast in the Country Part.

The voted primarily in the Opera Party, but crossed over by writing in a name on the Rock 'n Roll ballot.

In the Opera Party:

In both offices, an Opera Party ballot candidate has been written in both offices. Had the voter not crossed over to write in on the Rock 'n Roll party ballot, the vote for Beverly Sills for Congress would have counted (once). The vote for Beverly for Senate would not have been counted because Beverly is not a registered write-in candidate for that office.

Result: No votes count because no party preference was selected and there are votes in two parties.

Effect on machine tape: The OS machine saw only the votes in the Opera Party because the oval was not filled in next to Jay's name in the Rock 'n Roll Party. Jay's write-in vote was not recorded.

The OS equipment would have seen the two filled in ovals for Opera Party Congress as an overvote and no votes would have been recorded for that office.

For Opera Party State Senator, a write-in vote would have registered on the tape. Adjust the tape to subtract the write-in vote.

Example 6

Party Preference

- Country
- Opera
- Rock 'n Roll

Country Party

Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- _____

State Senator

Vote for 1

- ~~Shirley Reeves~~

Rock 'n Roll Party

Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- ~~Robert Plant~~

State Senator

Vote for 1

- Roger Daltry
- Keith Moon
- Jay Black
- ~~Jimmy Page~~

(Robert Plant is a registered write-In candidate. Jimmy Page is not.)

The voter has chosen the Country Party. Choosing a party preserves the votes cast in that party.

Country Party

The Country Party is the preferred Party. The vote for Donna Fargo for Assembly in the Country Party is counted.

Once again, an effort to convert a Rock 'n Roller (Shirley) to a Country singer fails. Since the office of Senator has no ballot candidates, ordinarily any a write-in vote would be counted, but not when it is a candidate of another party.

Rock 'n Roll Party

The Country Party is the preferred party, so no votes are counted in the Rock 'n Roll Party. If the preferred party were the Rock 'n Roll party, The write in vote for Robert Plant for Assembly would have counted. The write-in vote for Jimmy Page would not because he is not a registered write-in.

Result: Only the vote for Donna Fargo for Assembly is counted.

Effect on machine tape: None. The OS equipment scanned only the preferred party (Country) and recorded the vote for Country Party Assembly candidate, Donna Fargo. No votes were counted in the Rock 'n Roll Party because it is not the preferred party.

Example 7

Party Preference

- Country
- Rock 'n Roll
- Opera
- Motown

Country Party

Representative in Congress

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
-

State Senator

Vote for 1

-

Rock 'n Roll Party

Representative in Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
-

State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
-

Opera Party

Representative to the Assembly

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- ~~Freda Payne~~

State Senator

Vote for 1

- Enrico Caruso

Freda Payne and Enrico Caruso are not registered write-ins.

Motown Party

Representative to the Assembly

Vote for 1

- Smokey Robinson
- Freda Payne
- Gladys Knight
-

State Senator

Vote for 1

- Barry Gordy
- Stevie Wonder
- Marvin Gaye
-

The voter has chosen the Opera Party.

Analysis:

The voter has voted for an Opera Party ballot candidate for Assembly, (Beverly) and has also written in Freda Payne.

Freda's vote cannot be counted because she is not a registered write-in and there are ballot candidates. Because of the vote for Freda, Beverly's vote cannot be counted either.

Opera ballot candidate for Assembly (Caruso) has been written in for Opera Senate. Enrico's write-in vote is counted because he is a candidate for the Opera Party and there are no ballot candidates for Opera Senate, so Enrico doesn't need to be a registered write in for Senate.

Result: The write-in vote for Enrico Caruso is the only vote that counts on this ballot.

Effect on machine tape: In the Opera Party, the ovals next to Beverly Sills and write-in Freda Payne have been filled in. The OS equipment sees this as an overvote and no votes are recorded.

The oval next to write-in Enrico Caruso was not filled in and was not picked up by the equipment. A vote should be added to the write-ins for Opera Senator.

Canvass Process

Purpose of the Canvass

- The purpose of the canvass process is to review and certify the results of primaries and elections and to make the official determination of the outcome of state, county or local election events.
- The canvass process should be designed to identify incorrect vote totals and correct those results before certification
- Results should be proofed before submission so that errors can be identified and corrected before certification.
- Recounts should not be the mechanism where election results are corrected!

Duties of the Municipal Clerk

- ▶ Publish a 24-hour open meeting notice and notify the MBOC of the time and location of the meeting
- ▶ Publish a 24-hour open meeting notice for the meeting of the Local Board of Canvassers (LBOC) to perform certain duties, such as reconciling poll lists and counting votes

Duties of the Municipal Clerk

- ▶ Provide MBOC with all necessary materials
- ▶ Enter provisional ballot information into the Provisional Ballot Tracking System (or deliver to WisVote provider)
- ▶ Post the number of provisional ballots on the Internet
- ▶ Take minutes of the MBOC meeting or delegate this duty
- ▶ Transmit the EL-123r to the clerks of any affected level of government
- ▶ After the 4 pm Friday deadline, transmit the final EL-123r forms to the clerks of any other affected level of government

Municipal Board of Canvassers (MBOC)

- ▶ Election results are not complete until certified by the Board of Canvassers
- ▶ Required only for municipal offices or referenda
- ▶ Municipalities with only one reporting unit
 - Election inspectors constitute the Board of Canvassers
- ▶ Municipalities with more than one reporting unit
 - Municipal clerk and two other qualified electors of the municipality appointed by the clerk



Timeline of the MBOC

- ▶ Municipalities where the election inspectors comprise the MBOC
 - When municipal offices and/or municipal referenda are on the ballot, must conduct the canvass on election night
 - Inspectors must reconvene as the MBOC no later than 9 am the Monday following the election to process any provisional ballots
- ▶ Municipalities where the clerk and two others comprise the MBOC
 - When the clerk and two other electors appointed by the clerk serve as the MBOC, the canvass must begin no earlier than the time that the MBOC receives all returns from all polling places on election night and no later than 9 am the Monday following the election

Canvass Report

- ▶ The MBOC must complete the Canvass Report (EL-106)
- ▶ Tabular Statement
 - Lists all votes received by each municipal reporting unit for a particular office
- ▶ Summary Statement
 - List vote totals cast for each office
- ▶ Certification Statement
 - Signed by the MBOC that all canvass documents are true and correct



EL-106

Tabular Statement of Votes Cast

_____, WI
(insert municipality and county, if county cases insert county only)

(type of election) _____ Election - _____ (date of election)

(If no County Use Only)
For a Partisan Primary, insert political party _____

Office:		
Reporting Units:	Candidates:	Scattering <small>(for Counties only)</small>

Verify Tamper-Evident Seals

- ▶ The MBOC shall verify that the tamper-evident serial numbers from the voting equipment have been recorded on the Inspectors' Statement (EL-104)
- ▶ Members to verify five (5) Inspectors' Statements or 10% (whichever is greater) of the total statements that have been initialed by the Chief Election Inspector.
- ▶ Noted in minutes

Processing Provisional Ballots

- ▶ The MBOC must meet to tally any provisional ballots
 - This must occur no later than 9:00 a.m. the Monday following the election, but may begin as soon as all outstanding provisional ballots are accounted for.
 - If there are no outstanding provisional ballots, the MBOC proceeds normally to certify tallies or canvass as required.
 - The MBOC does not need to reconvene if the clerk certifies that no provisional ballots were received from the time of the initial canvass and 4 pm the Friday after the election.
- ▶ Municipalities with only one reporting unit may use a "mini-MBOC" to tally provisional ballots
 - This mini-MBOC consists of the clerk, chief inspector and one other inspector
- ▶ A Canvassers' Statement is NOT required unless you are determining local offices

EL-106P

**STATEMENT OF THE MUNICIPAL CLERK
IF NO PROVISIONAL BALLOTS WERE REHABILITATED BETWEEN 6 P.M.
ELECTION NIGHT AND 4 P.M. ON THE FRIDAY AFTER THE ELECTION**

Reconciliation of Provisional Ballots Processed

(Name of Primary or Election) Reporting Unit: (If only in Reporting Unit)

No provisional ballots were rehabilitated. Election night results stand.

***CERTIFICATION OF MUNICIPAL CLERK**
(By Municipal Clerk, immediately after election)

I, the undersigned, certify that I am the Municipal Clerk for _____

I certify that no provisional ballots were rehabilitated after the close of the polls and before 4 p.m. on the Friday after the election. I further certify that the results of the municipal election certified on Election Night by the Municipal Board of Canvassers are the official election results.

_____, Clerk (Date)

Routing Materials



Materials should be separated as follows:

Municipal Clerk

- Municipal Ballots
- Tally Sheet original and copy of voting machine tape, if any
- Record of Activity (EL-104P)
- Absentee Ballot Log (EL-124)
- Provisional Ballot Reporting Form (EL-123r)
- Statement of the MBOC (EL-106P)
- Statement of the Municipal Board of Canvassers (EL-106), if required.

Routing Materials (con't)

School District Clerk

- School District Ballots (if separate ballots)
- Tally Sheet original of any school district offices and copy of voting machine tape, if any
- Certified copy of the Inspectors' Statement (EL-104)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the signed poll list

Routing Materials (con't)

County Clerk

- Ballot Containers with all federal, state, county and tech college ballots
- Cured Provisional ballots sealed in a separate container
- Election night provisional ballots resealed in the original ballot bag
- Rejected Absentee Ballots Envelope (EL-102)
- The Used Absentee Certificates Envelopes Envelope (EL-103)
- The Used Provisional Certificate Envelope
- Original tally sheet of federal, state, county and tech college offices and/or referenda and one copy of the voting machine tape, if any
- Certified copy of the Record of Activity (EL-104P)
- Copy of the Provisional Ballot Reporting Form (EL-123r)
- Copy of the Absentee Ballot Log (EL-124)
- Certified copy of the Statement of the MBOC (EL-106P)

Reporting and Posting Election Night Unofficial Results

- ▶ The county clerk's office must remain open to receive and post results on election night
- ▶ The county clerk should develop and document procedures for making results public
- ▶ Election results must be posted on the county website by reporting unit
- ▶ Other suggestions for making results public
 - Posted outside of office or in media area using tally sheets, machine tapes, etc.

Delivery of Election Materials to the County Clerk

- ▶ The municipal clerk ensures that materials are delivered to the county clerk no later than 4 pm the day following the election.
 - Municipal Returns Checklist sample
- ▶ Before the canvass meeting, sort materials, examine for completeness and flag any errors
- ▶ If any returns are so informal or defective that the board will not be able to intelligently canvass them, direct the municipality to remedy defects

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MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: June 13, 2018

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Meagan Wolfe, Interim Administrator
Richard Rydecki, Elections Supervisor
Michael Haas, Staff Counsel

SUBJECT: **Important Ballot Deadlines, Changes to Overseas Voting and Webinar Announcement**

This memorandum outlines two immediate changes that local election officials are required to make pertaining to temporary overseas electors, reviews important absentee ballot deadlines, and outlines additional training resources.

Changes Related to Temporary Overseas Electors

Effective for the 2018 Partisan Primary, temporary overseas electors have the right to receive an absentee ballot electronically and they may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. The U.S. Department of Justice has authorized a lawsuit against the State of Wisconsin due to differences in the federal and state statutes related to the definition of overseas electors. To resolve the discrepancy and the litigation, the Wisconsin Elections Commission and the Wisconsin Department of Justice are executing a consent decree with the federal government to permit temporary overseas electors to receive a ballot electronically and to use the FWAB to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices.

Additional information regarding recent developments and the legal issues involved is contained in the attached Commission staff memo to the Commission. In short, Wisconsin Statutes create a distinction between Wisconsin voters who are overseas permanently and have no intent to return to Wisconsin, and those who are out of the country on a temporary basis and do intend to return to the state. Temporary overseas electors may be traveling overseas on a short vacation or working on a short- or long-term basis in another country. Regardless of the length of their stay overseas, these voters are considered temporary overseas electors if they have an intent to return to Wisconsin. They may cast votes for all offices on the ballot, unlike permanent overseas electors who may vote only in contests for federal offices.

Temporary overseas electors are currently treated the same as regular absentee voters. There is no space on the voter registration application or the absentee ballot request form to identify themselves as temporary overseas electors and they are not categorized separately in WisVote. Clerks may not even realize these voters are overseas if they have asked for a ballot to be transmitted by fax or email. Under Wisconsin Statutes, clerks may not transmit a ballot to temporary overseas electors electronically, although the federal court order in the *One Wisconsin Institute* case has modified that rule so that clerks have the option to transmit ballots electronically to any absentee voter. Also, they have not been tracked as part of the absentee ballot data that the Commission has collected and transmitted to the U.S. Department of Justice to ensure that military and overseas electors have sufficient time to obtain and return absentee ballots.

Under the new federal court consent decree, if a voter self-identifies as a temporary overseas elector (having an intent to return to Wisconsin), the municipal clerk must transmit an absentee ballot electronically if the elector has requested that method of transmission. Please note that absentee ballots cannot be transmitted to temporary overseas electors through MyVote and WisVote because these voters remain subject to the Photo ID requirement which requires the clerk to first review the photo identification or confirm that one is already on file for that elector. Therefore, absentee ballot can be electronically transmitted to temporary overseas electors only by email or fax.

The second change required by the new federal court consent decree is that temporary overseas electors may now use the Federal Write-In Absentee Ballot (FWAB) to cast their votes, just as permanent overseas electors may now do. The FWAB is a backup ballot which overseas electors may download, write in candidates, and submit to their municipal clerk, and which is counted if the elector does not have time to obtain and return an official ballot. Wisconsin clerks typically receive relatively few FWAB's and temporary overseas electors are currently permitted to use them as an absentee ballot application, but not as an actual ballot. The FWAB may be viewed on the website of the Federal Voting Assistance Program in the U.S. Department of Defense at this link: <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>.

Finally, because the federal government's definition of overseas electors includes temporary overseas electors, the requests and absentee ballots of temporary overseas electors must be tracked for federal elections in the same way that ballots for permanent and overseas electors have been tracked in recent elections cycles. The reporting process is outlined below.

Please note that the rules regarding the type of ballot issued to permanent and overseas electors are not changing. Permanent overseas electors are still restricted to the federal-only ballot, while temporary overseas electors and military electors are entitled to vote for all offices.

As part of the consent decree, the WEC will provide guidance to clerks and voters, alter forms and instructions, and publicize the changes on the agency website and through a press release distributed to organizations which work with overseas electors. The changes required under the consent decree were included in legislation which passed the Assembly but did not pass the Senate in the last legislative session. The Commission will work with the Legislature and expects that the terms of the consent decree will be incorporated into future legislation.

Upcoming Ballot Deadlines for Military and Overseas Voters

Federal and state law require that you send absentee ballots to your military and overseas electors with requests on file in accordance with the deadlines set forth below. Military, Temporary Overseas and Permanent Overseas voters may request to receive their ballot via email or fax and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Any requests received after the federal deadline on June 30, must be honored within 24 hours and the ballot must be sent by the method requested by the voter.

Reminder:

1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, June 28, 2018, you MUST send them the requested ballot no later than

Thursday, June 28, 2018.

2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on June 29 or June 30, 2018, you MUST send them the requested ballot no later than

Saturday, June 30, 2018.

In the past, there were lengthy absentee ballot reporting requirements that municipalities and the State were required to complete for the U.S. Department of Justice (USDOJ). The reporting requirements were a result of legal action taken by a federal court due to non-compliance with the deadlines by numerous Wisconsin municipalities. While we are not currently subject to these same reporting requirements, the USDOJ has again asked Wisconsin, along with all other states, to track and report information concerning all military and overseas (both permanent and temporary) absentee ballots to ensure that they are issued in accordance with the federal deadlines. Strict compliance with ballot delivery and ballot tracking deadlines will increase our ability to avoid future legal action.

Whenever any absentee ballot is requested, issued, or received, municipalities must record this information in WisVote within 48 hours. Relier municipalities have 48 hours to forward absentee ballot information to their WisVote Provider, who has an additional 24 hours to record the information. These requirements mean it is no longer sufficient to only enter absentee ballot data into an absentee log. The data must be entered into WisVote within the required timeframes.

Military and Overseas Voting Webinar

Wisconsin Elections Commission staff will be hosting a training webinar on June 20, 2018 to discuss the details of changes made to the Temporary Overseas elector procedures and outline the ballot transmission deadlines for the August 14, 2018 Partisan Primary. The webinar details are as follows:

August Primary Ballot Deadlines and Changes to Overseas Voting

June 20, 2018, 10:00 a.m. – 11:00 a.m.

Registration Link:

<https://attendee.gotowebinar.com/register/3288575898407084033>.

The Partisan Primary is a federal election that requires strict adherence to federal and state laws regarding absentee voting by military and overseas voters. Recent legal action by the federal government now requires clerks to honor requests from voters who are temporarily overseas to receive a ballot via email or fax. Temporary Overseas voters can also use the Federal Write-in Absentee Ballot (FWAB) as both a ballot request and a write-in ballot. This webinar will also discuss clerk responsibilities for the upcoming June 2018 ballot deadlines for military and overseas voters and provide information about ballot delivery methods and instructions for sending ballots via email and fax.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors can cast their ballots. We feel confident, that with your cooperation, all military and overseas voters from Wisconsin will receive their ballot on or before the deadlines for the August 14, 2018 Partisan Primary and that we will be able to promptly submit the required absentee ballot data to the USDOJ.

If you have any questions about the changes to the requirements, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC helpdesk at elections@wi.gov or (608) 266-8005.

2018 UOCAVA Ballot Deadlines for August and November Elections

August 14, 2018 Partisan Primary		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, June 27, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, June 28, 2018	Thursday, June 28, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, June 30, 2018	Saturday, June 30, 2018 (45 days prior to the election)
November 6, 2018 General Election		
	State Deadline for County Clerks to deliver ballots to their municipalities	Wednesday, September 19, 2018 (48 days prior to the election)
	State Deadline for Municipalities to send out absentee ballots requested on or before Thursday, September 20, 2018	Thursday, September 20, 2018 (47 days prior to the election)
	Federal Deadline for Municipalities to send out absentee ballots requested on or before Saturday, September 22, 2018	Saturday, September 22, 2018 (45 days prior to the election)

To help clarify the UOCAVA absentee deadlines for the August 14, 2018 Partisan Primary, we are providing the following scenarios. Please use these scenarios as a reference for sending out absentee ballots to your UOCAVA voters.

Scenarios for Thursday, June 28, 2018

Deadline 1: State UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year or only for the August 14, 2018 Partisan Primary. The request is received by the clerk after June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on Tuesday, July 3 at noon you must send the ballot no later than Thursday, July 5 at noon (July 4 is a state holiday). But see the exception under Scenarios 1 and 2 of the Federal Deadlines guide below for requests received on or before June 30, 2018.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 28, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 28, 2018.

Scenarios for Saturday, June 30, 2018

Deadline 2: Federal UOCAVA Deadline

Scenario 1: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk on, or prior to June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 2: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email, or fax for the entire calendar year. The request is received by the clerk after June 30, 2018.

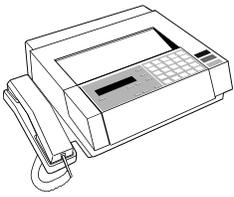
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day of receiving the request. For example, if you receive the request on a Friday at noon, you must send the ballot no later than Monday at noon.

Scenario 3: Military or overseas elector (temporary or permanent) submits a mailed, emailed, online, or faxed request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk on, or prior to, June 30, 2018.

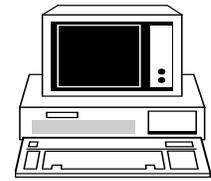
Action by clerk: You must mail, email, or fax (as requested) the voter's ballot no later than June 30, 2018.

Scenario 4: Military or overseas elector (temporary or permanent) submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot for only the August 14, 2018 Partisan Primary. The request is received by the clerk after June 30, 2018.

Action by clerk: You must mail, email, or fax (as requested) the voter's ballot within one business day from receiving the request. For example, if you receive the voter's request on a Monday, you must mail, email, or fax the ballot no later than Tuesday.



Faxing or E-mailing Absentee Ballots



All voters can request to have an absentee ballot emailed or faxed to them. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

REQUEST

- **Review the written request for an absentee ballot from a qualified elector.** The absentee application request may be on the form prescribed by the Wisconsin Elections Commission (WEC) (Application for Absentee Ballot EL-121) or may be in the form of a letter, email or fax that contains the information needed for an absentee ballot request. Remember, the request must be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the MyVote Wisconsin website: MyVote.wi.gov. You will receive an email notification when the voter makes their request through MyVote.
- **All voters may receive their absentee ballot by mail, email or fax.** However, clerks must honor email and fax requests from Military, Temporary Overseas and Permanent Overseas voters. Military, Permanent Overseas, indefinitely confined, and confidential voters do not need to provide a photo ID with their request. Regular and Temporary Overseas voters must provide a photo ID with their absentee ballot request.
- After determining that the elector is qualified to receive an absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

FAXING

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Certification Envelope](#) along with the [Uniform Instructions for Absentee Voters](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. A U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.
- When faxing to military and overseas voters (temporary and permanent), follow procedures set out in [Fax & Email Guidelines](#) provided by the Federal Voting Assistance Program.

E-MAILING

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.

- Email the initialed ballot and the face of the [Absentee Ballot Certificate](#) along with the [Uniform Instructions for Absentee Voters](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, and complete and sign the absentee certificate. An U.S. citizen, age 18 years or older, must witness, sign, and provide his or her address on the certificate. Military or permanent overseas voters must provide their birthdate. The certificate should be affixed (with glue or tape) to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

RETURN

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot.
- The USPS recommends that ballots be mailed at least one week prior to the date of the Election to arrive on time. If the ballot is returned from overseas, the ballot should be mailed earlier.

DOCUMENTATION

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk's office, the municipal clerk or their WisVote Provider records the information in WisVote. The clerk ensures the certificate is attached to the envelope holding the ballot. If the certificate is not attached, the clerk uses tape or glue to affix the certificate to the envelope. If the voter did not seal the ballot in an envelope as directed, the clerk encloses the ballot in a certificate envelope and affixes the completed certificate. The clerk delivers the ballot to the appropriate polling place in a carrier envelope.
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors so the ballot is accepted by electronic tabulating equipment.

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: March 13, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Pilot Program Details

Introduction

The Badger Book will be used in 5 polling locations for the Spring Election on April 3, 2018. Staff seek to evaluate the performance and usability of the Badger Book e-poll book software and determine how it interacts with hardware selected by staff. The pilot program will provide the opportunity to gather feedback and make improvements before making the system available statewide for the August and November elections.

Software Features and Hardware Configurations

Staff determined three main functions that the Badger Book will cover: checking in a voter, processing an absentee ballot, and registering a voter. In addition, the software will support the redirection of voters who attempt to vote at the wrong polling place, capture misspelling notes on a voter record, direct a poll worker to offer provisional voting opportunities in appropriate situations, and allow local elections officials to print necessary reports for post-election activities. These features will be supported by a barcode scanner which will have the ability to search for the voter by name during the check in process and for an absentee ballot by the mailing ID listed on the absentee ballot return envelope.

When the voter data is downloaded from WisVote and transferred to the USB to be loaded onto the Badger Book, all poll book information will become encrypted. Voter data will then only be accessible to those with a login to the Badger Book system. The Badger Book devices will not be connected to the internet on Election Day.

Two configurations for hardware will be used during the pilot in the Spring Election:

1. The City of Brookfield and City of Mequon will use the Point of Service configuration. Each Badger Book station will include:

- ELO PC all-in-one with a 15-inch monitor (election inspector facing)
 - 10-inch ELO touchscreen monitor (voter facing)
 - Printer stand
 - Wireless keyboard
 - Wireless mouse
 - Thermal receipt printer
 - Barcode scanner
2. The Town of Trenton, City of Sun Prairie, and City of Beloit will use the tablet-based option. Each Badger Book station will include:
- HP 2 tablet
 - Swivel base
 - USB hub extender
 - Wireless key board
 - Wireless mouse
 - Thermal receipt printer
 - Barcode Scanner

Participants

The pilot will take place in 5 polling locations. Staff has been in regular contact with the selected locations since November 2017. As part of participating in the pilot, clerks agreed to these stipulations:

1. The polling location must be willing to incorporate Election Day Registrations into the regular voter check in line.
2. Absentee ballots sent to the pilot location must not be pre-numbered.
3. Poll workers who will be working the pilot locations must attend Badger Book training the week prior to Election Day.
4. The polling location should be equipped and prepared to run the election as if there were no e-poll books. The polling location and poll workers must be equipped to switch to paper poll book process if needed.
5. For voters registering on Election Day, election inspectors will need to use their existing process to district voters and make sure they are in the correct polling location. The Badger Book will not be able to make that determination.
6. Either the clerk or a designee will need to be on site at the polling location to assist in troubleshooting with poll workers and collecting feedback.
7. Hardware will be provided at no cost for the pilot.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	County	Polling Location	Ward(s)
City of Brookfield	Waukesha County	Brookfield Public Safety Building	Ward 14-17
Town of Trenton	Washington County	Trenton Town Hall	Ward 1-8

City of Beloit	Rock County	First Congressional Church	Wards 16
City of Sun Prairie	Dane County	Colonial Club	Ward 1-5
City of Mequon	Ozaukee County	Pieper Power Education Center	Wards 8-10

On Boarding

As part of being a pilot location, each clerk has agreed to additional training for their poll workers on March 26-29. Clerks will find and secure a training location in which to train their poll workers on the Badger Book. Poll workers will be required to receive training on all three functions: Voter Check In, Processing an Absentee, and Election Day Registration. Additionally, most clerks will hold a voter event to provide voters the opportunity to ask questions and acquaint themselves with the equipment before Election Day. Details about training, voter events, hardware configuration, and the staff resources are found in the table below.

2018 Spring Election Pilot Sites, April 3, 2018

Municipality	Training Date	Voter Event	Type of Hardware	Assigned Election Day WEC Staff
City of Brookfield	3/27	3/27 2:00pm – 5:00pm	Point of Service	Sara Linski
Town of Trenton	3/26	n/a	Tablet based	Christopher Doffing
City of Beloit	3/28	3/28 11:00am – 12:30pm	Tablet based	Robert Williams
City of Sun Prairie	3/29	3/29 12:00pm – 2:00pm	Tablet based	Mike Nelson
City of Mequon	3/26	3/26 4:00pm – 5:30pm	Point of Service	Michelle Hawley

Methods for Feedback

To evaluate the Badger Book, several strategies will be employed to collect feedback. Timing feedback will be collected using the Voter Wait Time Tool from the Election Tools resources. Voters will be asked to hold scanned cards at the beginning of the line and to hand them back to a poll worker at the end of the check in process where they will be scanned back in. This data will then be sent back to the website TimeStation where we can evaluate the wait time a voter experienced at a site using the tablet-based configuration and the point of service-based configuration. This data will be compared against two paper poll book sites in the Village of Waunakee and City of New Berlin who will also be collecting voter wait time data. Poll worker satisfaction and usability feedback for hardware and software will be gathered by paper survey

completed at the end of their shift. Additionally, feedback will be gathered from voters via optional paper surveys to complete before leaving the polling location. Using these strategies, the pilot will aim to answer the below questions:

Hardware and Configuration

- Is the hardware easy and intuitive for a poll worker and voter to use?
- Did scanning and typing to search for a voter move any more quickly than searching for a voter by hand on the paper poll book?
- Did the point of service hardware configuration perform better or worse than the tablet-based configuration?
- How did the consolidation of lines for Check-In and Election Day Registrations impact the voter experience overall?
- Were there any communication lapses or issues between networked Badger Books?

Software

- Do poll workers struggle to find the next step in a process?
- Do poll workers struggle to find how to go back a step in the process?
- Was there any information lacking on any screen that impeded a poll worker's ability to perform their job?
- Did any instructions in the poll book conflict with training provided at the municipality level?
- Do poll workers feel more confident in their ability to evaluate a photo ID?
- Were poll workers able to validate voter numbers throughout the day?
- Do poll workers feel it is easier to find the correct voter using the e-poll book versus paper poll book?
- Did any language create confusion for what a poll worker is supposed to do next?
- Did the addition of the statewide voter database for redirection purposes provide any benefit?
- How often does a poll worker require assistance to navigate the system?
- What, if any, scenarios arise that the Badger Book cannot handle?

Post-Pilot Activities

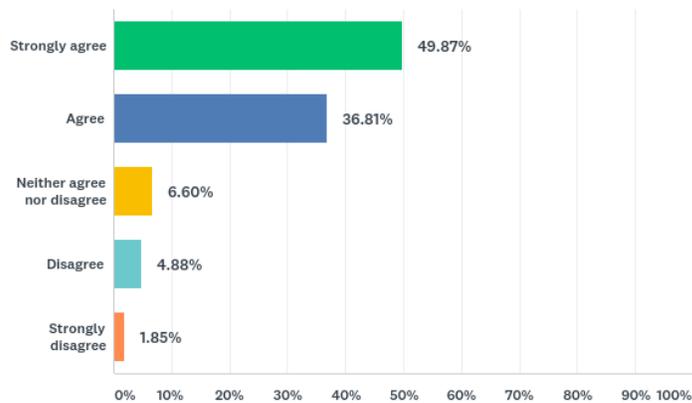
After the election, staff will reconvene to share experiences and evaluate poll worker, voter, and clerk feedback to determine what improvements or fixes need to be made to the system before launch. Staff will work with the development team to make these changes and with the PDS team to redesign the hardware configuration, if needed. Beyond that, developers will focus on creating clerk workflows in WisVote to manage their own data download before the election and upload voter participation and voter registration information post-election. Staff will also work to provide additional opportunities for clerks to evaluate the Badger Book for purchasing purposes in summer 2018.

Badger Book Pilot Spring Election 2018 Feedback

Data below is reflective of data collected from 40 poll workers and 760 voters who participated in the Badger Book pilot in Beloit, Brookfield, Mequon, Sun Prairie, and Trenton.

Voter Experience

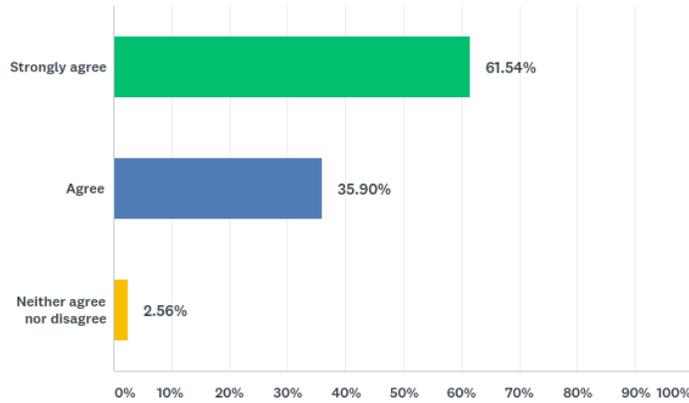
Q2 The electronic poll book was quick and easy for me to use



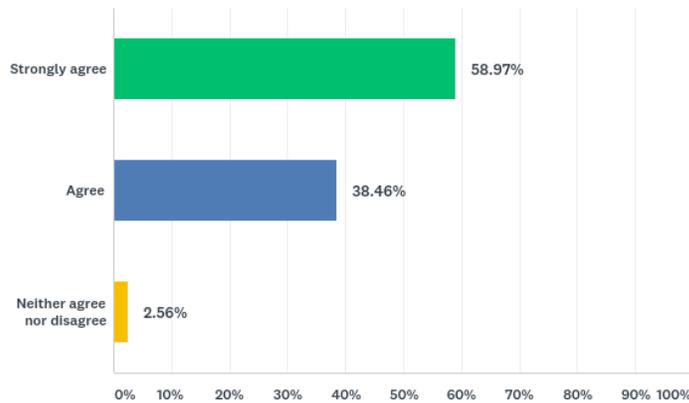
Poll Workers

Check In

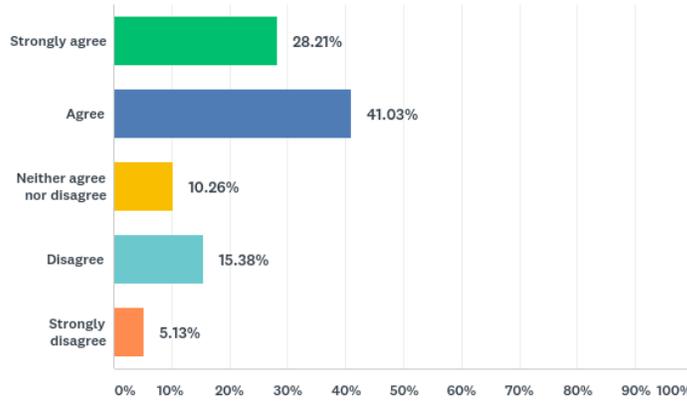
Q12 Overall, I am satisfied with the ease of completing the task of checking in a voter



Q13 Overall, I am satisfied with the amount of time it took to check in a voter

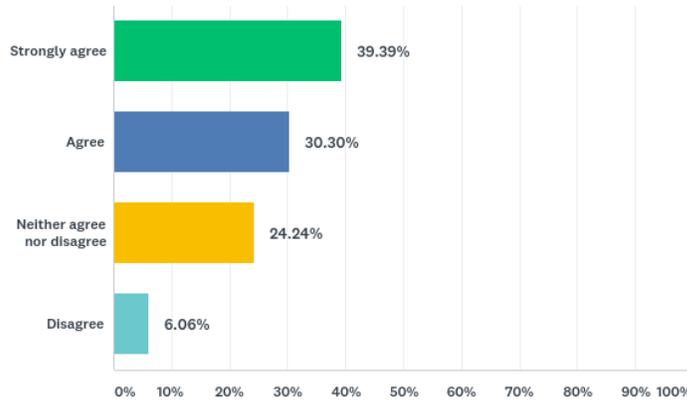


Q46 We had enough devices to manage the lines appropriately

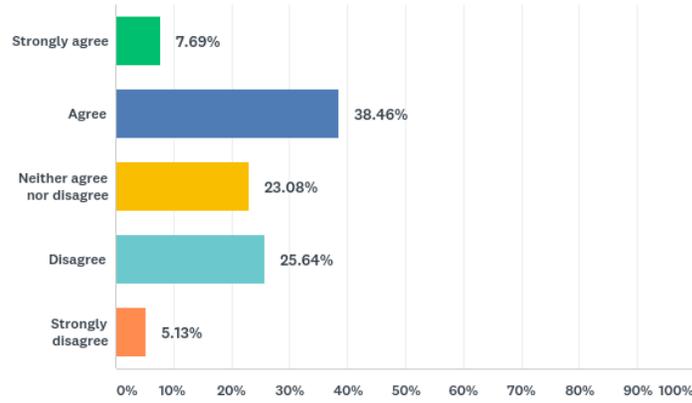


Registration

Q32 Overall, I am satisfied with the amount of time it took to complete an Election Day Registration



Q45 Registering voters in the same line as check in worked well in our polling location



WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

DATE: April 12, 2018

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Sara Linski
WisVote Specialist

SUBJECT: Badger Book Interest Level and Implementation Plans

The Wisconsin Elections Commission recently conducted a pilot test during the 2018 Spring Election to evaluate the newly developed electronic poll book - the Badger Book. Staff is still in the process of reviewing feedback from clerks, poll workers, voters and voter wait time data. The results of this feedback will be used to update the system before making it available statewide.

To gain perspective on your interest and/or plans to purchase and use Badger Books, staff requests that you [click here to complete the Badger Book Interest Level and Implementation Plans survey](#). Information collected from this survey will not be used as a purchase order for the electronic poll books, but staff will use the results to develop and deploy a roll out strategy for those interested in implementing in 2018. **If you plan on purchasing and using Badger Books in 2018, please complete the survey by April 27.**

If you have questions or concerns related to this request, please contact the Elections Commission Help Desk at elections@wi.gov or (608-261-2028).

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INTERIM ADMINISTRATOR MEAGAN WOLFE

MEMORANDUM

DATE: For the Meeting of May 24, 2018

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Interim Administrator

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

SUBJECT: Update on ERIC Supplemental Poll List Process

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

Background

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

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

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

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

Preparing the ERIC Supplemental Lists

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

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

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

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

Election Day Observations

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

Statistics

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

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

Recommendations for Upcoming Elections

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

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

Continuing Cooperation with DMV

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

2018 Mailing to Eligible but Unregistered Voters

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

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

Conclusion and Motion

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

Recommended Motion:

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

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



Upcoming elections
August 14, 2018
November 6, 2018

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



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

Register to Vote Online - Visit myvote.wi.gov and click Register to Vote

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

Think you are already registered? Go to myvote.wi.gov to verify your registration.

MyVote está disponible en español

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

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

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