**Subject:** FW: ASM 72 - 2024.07.17 - American Oversight - Elections
**Date:** Thursday, July 18, 2024 at 11:29:31 AM Eastern Daylight Time
**From:** Downloads <Downloads@americanoversight.org>
**To:** AO Records <records@americanoversight.org>

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**From:** Deering, Bonnie <Bonnie.Deering@legis.wisconsin.gov>
**Sent:** Thursday, July 18, 2024 8:29:21 AM (UTC-08:00) Pacific Time (US & Canada)
**To:** Downloads <Downloads@americanoversight.org>
**Cc:** Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Subject:** ASM 72 - 2024.07.17 - American Oversight - Elections

EXTERNAL SENDER

ASM72 - 2024.07.17 - American Oversight - WEC, DOT.zip

Ben Sparks
downloads@americanoversight.org

Open records requests are processed through the Assembly Chief Clerk's office for billing purposes only. You submitted an open records request to Representative Krug. The UPDATED records, as provided to our office by Representative Krug, are linked above. This link will remain active for the next 30 days. Please let me know if you are unable to retrieve the records within that time frame. Thank you.

Sincerely,

Bonnie Deering
Office of the Assembly Chief Clerk
17 W. Main Street, Ste. 401
Madison, WI 53703
608-266-1501

AMERICAN OVERSIGHT

# Wisconsin Legislative Council

Anne Sappenfield
Director

TO: REPRESENTATIVE SCOTT KRUG

FROM: Katie Bender-Olson, Principal Attorney, and Peggy Hurley, Senior Staff Attorney

RE: Department of Transportation Authority to Share Citizenship Information

DATE: June 5, 2024

This memorandum discusses whether state or federal law prevents the Wisconsin Department of Transportation (DOT) from sharing citizenship information in its Department of Motor Vehicles (DMV) databases with the Wisconsin Elections Commission (WEC) for determining whether individuals listed within the statewide voter registration list are U.S. citizens.

Federal and state law generally protect personal information of driver's license and state identification (ID) card holders and applicants, but allow for sharing of data for certain government agency purposes. Current state law does not direct DOT to provide citizenship data to WEC, nor does it expressly authorize DOT to generate a list of non-citizens and transmit this to WEC. However, state law does provide several limited pathways for DOT to communicate citizenship information with WEC for voter registration-related purposes, if requested or directed to do so.

First, DOT may "match" personal information in its databases against the WEC statewide voter registration list, if written into the data-sharing agreement between DOT and WEC. The agreement does not presently provide for matching of citizenship data in DOT's possession against the list of registered voters, but the agencies could amend the agreement to do so.

Second, DOT may provide citizenship data to WEC if required under WEC's agreement with the Electronic Registration Information Center (ERIC), Inc. The ERIC membership agreement does not currently require states to provide citizenship data, but DOT could provide citizenship data to WEC if the ERIC membership agreement required such sharing.

Finally, though there is an avenue for DOT matching of citizenship information with the voter registration list, WEC does not have clear authority to inactivate voter registrations based on such information.

## CITIZENSHIP INFORMATION POSSESSED BY DOT

State law allows individuals who are legally present in the state but who are not U.S. citizens to obtain a driver's license or state ID card, if they meet all license or ID card requirements. These requirements include submitting documentation of proof of name, date of birth, and residency, as well as proof of

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citizenship, legal permanent resident status, conditional resident status, or legal presence.[1] [ss. 343.14 (2) (es) and 343.50 (4), Stats.] A driver's license or ID card issued to a person who is not a citizen generally expires on the date the person is no longer legally present. [ss. 343.20 (1m) and 343.50 (5) (c), Stats.] Therefore, DOT databases contain data fields relating to whether a license or ID card holder is legally present and when that legal presence expires.

## ABILITY OF DOT TO SHARE DATA WITH WEC ABOUT NON-CITIZEN LICENSE OR ID CARD HOLDERS UNDER FEDERAL LAW

Federal law generally prohibits state DMVs from releasing license or ID card holder or applicant information, except under certain circumstances. Specifically, the federal Driver's Privacy Protection Act (DPPA) prohibits a state DMV from releasing or using personal information it obtains in connection with a motor vehicle record,[2] unless an exception applies. [18 U.S.C. s. 2721 (a) (1).] "Personal information" means information that identifies an individual, including a name, address, phone number, photograph, Social Security number, driver identification number, and medical or disability information, but does not include information on accidents, driving violations, and driver's status. [18 U.S.C. s. 2725 (3).] The DPPA requires a state DMV to release personal information for certain purposes, such as vehicle recalls, and allows a state DMV to release personal information for other purposes. One type of allowable release is for "use by any government agency…in carrying out its functions." [18 U.S.C. s. 2721 (b) (1).]

WEC is a government agency and DPPA allows release of personal information for WEC to use in carrying out its functions.[3] State law directs WEC to maintain the statewide voter registration list, making this an express function of the agency. Specifically, the election statutes require WEC to "compile and maintain" an electronic voter registration list and declare that WEC is "responsible for the design and maintenance" of the voter registration list. [ss. 5.05 (15) and 6.36 (1) (a), Stats.] State law also directs WEC to match personally identifiable information on the voter registration list with DOT information under s. 5.056, Stats., to verify proof of residence against DOT information during electronic voter registration under s. 6.34 (2m), Stats., and to provide DOT information to ERIC to comply with the state's membership agreement requirements under s. 6.36 (1) (ae), Stats. DOT is currently verifying or releasing personal information to WEC for these list maintenance purposes, but that activity does not presently include citizenship and legal presence.

The DPPA exception that allows DOT to disclose to WEC personal information like name, address, date of birth, and driver license number likely also covers citizenship information. A few other states appear

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[1] State law creates a special procedure for individuals who seek a free ID card for voting, but who have difficulty obtaining one because they lack certain necessary documentation. This special procedure is referred to as the state ID card petition process (IDPP) and requires DMV to contact state and federal agencies to verify the individual's birth or citizenship, and if unable to do so, verify this information through secondary documentation. [s. 343.165 (8), Stats.]

[2] "Motor vehicle record" includes records relating to a driver's license or state identification card, among other records. [18 U.S.C. s. 2725 (1).]

[3] DPPA prohibits DOT from disclosing "personal information" contained in its databases, so protects citizenship information against disclosure only if it qualifies as "personal information." DPPA defines "personal information" as information that identifies an individual "including" photos, Social Security numbers, driver identification numbers, names, addresses, phone numbers, and medical or disability information. The definition does not enumerate citizenship information, but the definition appears to include this information because: (a) the enumerated categories of information are not exclusive – if personal information were limited to only those categories, the definition would likely state that personal information "is" or "means" the listed categories; and (b) a person's status as legally present in the United States and any related expiration date is specific to a particular person and can identify that person.

AMERICAN OVERSIGHT

to have compared citizenship information contained in their DOT databases against their state voter registration lists.[4] This provides evidence that DPPA does not categorically prohibit the sharing of citizenship information contained in DOT databases. However, Wisconsin law does not currently require DOT to provide this information to WEC, and disclosure by DOT is discretionary under the DPPA. Thus, if WEC requests such information, DOT will make its own legal determination about whether citizenship information contained in its databases qualifies under the DPPA "agency function" exception and whether to release that data to WEC.

# ABILITY OF DOT TO SHARE DATA WITH WEC ABOUT NON-CITIZEN LICENSE OR ID CARD HOLDERS UNDER STATE LAW

State law authorizes DOT to match information in its databases against information contained in the statewide voter registration list pursuant to an agreement with WEC. State law also authorizes DOT to provide personal information in its databases to WEC for voter registration verification, if WEC needs the information under its agreement with ERIC. Therefore, DOT could conduct citizenship information matching with WEC for voter registration list verification, but only if this activity is written into WEC's agreement with DOT, or provide citizenship information to WEC pursuant to its ERIC membership agreement, but only if required under that agreement.

Current state law does not require these provisions to be included in either agreement, so DOT and WEC are not currently obligated to match citizenship or share citizenship-related data of license and ID card holders.

## DOT Matching With Voter Registration Information

The statutes contemplate the sharing of information between DOT and WEC for purposes of verifying information within the statewide voter registration list. Specifically, parallel statutes require the DOT secretary and the WEC administrator to enter into an information-matching agreement to verify the accuracy of voter registration list information:

> **5.056 Matching program with secretary of transportation.**
>
> The commission administrator shall enter into the agreement with the secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information maintained by the department of transportation.
>
> **85.61 Compliance with federal Help America Vote Act.**
>
> (1) The secretary of transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information in the operating record file database under ch. 343

[4] For example, the comparison of citizenship information contained in statewide registration lists against DOT records has occurred in Texas, Florida, and Pennsylvania. [See Tex. Elec. Code § 16.0332(a-1); *Pub. Int. Legal Found. v. Chapman*, 595 F. Supp. 3d 296, 301-02 (M.D. Pa. 2022); *Mi Familia Vota Educ. Fund v. Detzner*, 891 F. Supp. 2d 1326, 1330 (M.D. Fla. 2012).]

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> and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration.

An agreement between DOT and WEC to match "personally identifiable data" could likely cover the verification of citizenship information contained within DMV databases. Neither the elections nor transportation statutes define "personally identifiable information," but DMV administrative rules define it to have the same meaning provided under the public records law. [s. Trans 195.02 (13s), Wis. Adm. Code.] The public records law defines personally identifiable information to mean "information that can be associated with a particular individual through one or more identifiers or other information or circumstances." [s. 19.62 (5), Stats.] A person's citizenship or legal presence status appear to qualify under this definition.[5]

Citizenship is not one of the categories of information state law requires the statewide voter registration list to contain. [See s. 6.36 (1) (a), Stats.] However, because individuals must affirm that they are U.S. citizens when completing a voter registration form, all voters listed as eligible in the statewide registration list are presumably U.S. citizens. Consequently, it appears that DOT could "match" with the WEC voter registration list and identify any registering or registered voter who possesses an ID card or license as a non-citizen, if the data-sharing agreement between the two agencies authorized such matching.

There is no statutory requirement that the data-sharing agreement between the agencies provide for this type of matching. Therefore, while WEC and DOT could potentially write such matching into their agreement, they are not obligated to do so. A statutory change would be required to mandate that such matching of citizenship occur or that the data-sharing agreement provide for it.

## DOT Information Sharing Under the ERIC Agreement

State law requires WEC to enter into an agreement with ERIC to verify information in the statewide registration list, and allows DOT to share otherwise confidential information to advance this aim. ERIC is a membership organization comprised of 24 states and the District of Columbia with the declared mission of assisting states in improving accuracy of state voter rolls and voter registration for eligible individuals.[6] Section 6.36 (1) (ae), Stats., mandates that WEC enter a membership agreement with ERIC "for the purpose of maintaining the official registration list," and requires the agreement to preserve the confidentiality of data transferred under the agreement.

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[5] Additionally, the Seventh Circuit Court of Appeals decision in *Luft v. Evers*, 963 F.3d 665, 675 (7th Cir. 2020), supports a conclusion that citizenship information is personally identifiable information. That case addressed challenges to numerous Wisconsin voting laws, including one allowing college students to establish their residence for voting by using a college's certified dormitory list, but only if that list contained citizenship information for the students residing in the dormitory. The Seventh Circuit found the requirement for a dormitory list to include citizenship to be an unenforceable violation of the Federal Educational Rights and Privacy Act (FERPA) law, which prohibits educational institutions from releasing "personally identifiable information." [*Luft*, 963 F.3d at 675.] Though the conclusion relied on FERPA's definition of "personally identifiable information," a court construing the term for purposes of DOT and WEC matching could similarly conclude that it includes citizenship information.

[6] https://ericstates.org/faq. According to its website, ERIC conducts data matching between participating states and with certain federal databases. The organization then creates list maintenance reports for each state that identify voters who appear to have moved, voters with duplicate registrations in the same state, and voters who have died, among other activities.

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State law generally prohibits disclosing personal information of state ID card holders and applicants, except to specified entities such as courts, district attorneys, and law enforcement. [s. 343.50 (8) (b), Stats.] However, there is a specific statutory exception allowing DOT to release state ID card-related personal information to WEC pursuant to an agreement with ERIC. Specifically, DOT may provide state ID card information to WEC if: (1) WEC requests the state ID card holder or applicant information; and (2) the ERIC agreement requires WEC to provide the information:

> ...[DOT] may, upon request, provide to the elections commission for the sole purpose of allowing the chief election officer to comply with the terms of the agreement under s. 6.36 (1) (ae) any applicant information or identification card holder information maintained by the department of transportation and identified in 343.14(2).
>
> [s. 343.50 (8) (c) 3., Stats.]

The authorization allows DOT to provide personal information "identified in 343.14 (2)," which includes documentation proving citizenship or lawful presence in the United States. [s. 343.14 (2) (es), Stats.] Thus, while state law generally prohibits DMV from disclosing personal information of ID card holders, including citizenship, it allows DOT to release this information to WEC if the agency requests it to fulfill requirements of its ERIC agreement.

ERIC membership agreements do not currently require states to provide citizenship information. To the contrary, the agreements prohibit member states from transmitting a DOT record "where the record contains documentation or other information indicating that the individual is a non-citizen of the United States."[7] Therefore, while state law would permit DOT to release citizenship information to WEC for ERIC if it was required under the ERIC agreement, the agreement does not presently require or allow such release.

## DOT Sharing of Citizenship Information vs. WEC Action on Citizenship Information

State law provides limited avenues for DOT to match citizenship information of license or ID card holders with the WEC voter registration list, or provide that information to WEC for transfer to ERIC. Determining whether any method exists for DOT to identify non-citizens within the statewide registration list is separate from an evaluation of whether WEC has authority to remove voters from the registration list based on that information. Current statutes do not expressly authorize WEC to inactivate voters based upon DOT flagging a registered individual as a potential non-citizen.

The Wisconsin statutes authorize WEC to inactivate a voter's registration under certain circumstances, authorize clerks to inactivate a registration under certain circumstances, and authorize either WEC or clerks to do so in others. For instance, state law requires WEC to inactivate the registration of a voter who fails to respond to a mailing sent to registered individuals who have not voted in the prior four years: "...the commission shall change the registration status of that elector from eligible to ineligible." [s. 6.50 (1) and (2), Stats.] Similarly, state law requires either WEC or the municipal clerk to inactivate voters after a postcard sent to verify an Election Day registration is returned as undeliverable: "...the clerk, board of election commissioners, or elections commission shall change the status of the elector from eligible to ineligible on the registration list...." [s. 6.56 (3), Stats.] State law also creates a process

[7] *Electronic Registration Information Center, Inc. Membership Agreement*, Exhibit A, page 13, accessible at: https://ericstates.org/wp-content/uploads/documents/ERIC-Bylaw-MA-FINAL.pdf.

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for challenging the registration of a non-qualified voter and assigns municipal clerks responsibility for inactivating registrations of these individuals: "If the clerk determines that the challenged elector is not qualified, the clerk shall change the challenged elector's registration from eligible to ineligible status on the registration list...." [s. 6.48 (1) (d), Stats.]

State law does not expressly authorize WEC to inactivate voter registrations based on DOT information indicating a person was not a U.S. citizen when they applied for a license or ID card, so any effort to do so must rely on WEC's general authority to "maintain" the voter registration list. However, if WEC's general list maintenance responsibility authorizes it to inactivate registrations on unspecified bases, then statutory language assigning the duty to WEC or clerks or to clerks only may be superfluous.

Additionally, the Wisconsin Supreme Court had an opportunity to endorse a broad interpretation of WEC's registration list maintenance authority in *Zignego v. WEC*, 2021 WI 32, but chose not to do so. In that case, the Court addressed whether a statute requiring clerks to change voter registrations to ineligible upon receiving reliable information that an individual had moved also obligates WEC to do so. The Supreme Court concluded that the statutory duty did not apply to WEC. [*Zignego*, 2021 WI 32 at ¶¶ 1-2.] In reaching its conclusion, the Court noted that WEC's authority to maintain the voter registration list is separate from its authority to make changes to the list: "Under Wis. Stat. § 6.36 (1) (a), the Commission 'shall compile and maintain electronically an official registration list.' But editing the list is a different matter." [*Id.* at ¶21.] In Justice Bradley's dissent, she argued that WEC's statutory authority to maintain the voter registration list authorized and obligated WEC to inactivate registrations of voters for whom WEC had reliable information they had moved, even without an express statutory directive. [*Id.* at ¶¶ 53-55.] The majority of the Supreme Court did not adopt this view.

While this discussion suggests the Court would not endorse WEC authority to inactivate voters in the absence of an explicit statutory directive, the question was not directly before the Court in *Zignego*. Therefore, whether WEC can rely upon its general authority to inactivate individuals believed to be ineligible, such as those flagged by DOT as non-citizens, has not been conclusively resolved. However, an attempt by WEC to remove such individuals would very likely result in litigation.

Please let me know if I can provide any further assistance.

KBO:PJH:jal

AMERICAN OVERSIGHT

# Wisconsin Legislative Council

Anne Sappenfield
Director

TO: REPRESENTATIVE SCOTT KRUG

FROM: Katie Bender-Olson, Principal Attorney, and Peggy Hurley, Senior Staff Attorney

RE: Department of Transportation Authority to Share Citizenship Information

DATE: June 5, 2024

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> and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration.

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There is no statutory requirement that the data-sharing agreement between the agencies provide for this type of matching. Therefore, while WEC and DOT could potentially write such matching into their agreement, they are not obligated to do so. A statutory change would be required to mandate that such matching of citizenship occur or that the data-sharing agreement provide for it.

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> ...[DOT] may, upon request, provide to the elections commission for the sole purpose of allowing the chief election officer to comply with the terms of the agreement under s. 6.36 (1) (ae) any applicant information or identification card holder information maintained by the department of transportation and identified in 343.14(2).
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The authorization allows DOT to provide personal information "identified in 343.14 (2)," which includes documentation proving citizenship or lawful presence in the United States. [s. 343.14 (2) (es), Stats.] Thus, while state law generally prohibits DMV from disclosing personal information of ID card holders, including citizenship, it allows DOT to release this information to WEC if the agency requests it to fulfill requirements of its ERIC agreement.

ERIC membership agreements do not currently require states to provide citizenship information. To the contrary, the agreements prohibit member states from transmitting a DOT record "where the record contains documentation or other information indicating that the individual is a non-citizen of the United States."[7] Therefore, while state law would permit DOT to release citizenship information to WEC for ERIC if it was required under the ERIC agreement, the agreement does not presently require or allow such release.

## DOT Sharing of Citizenship Information vs. WEC Action on Citizenship Information

State law provides limited avenues for DOT to match citizenship information of license or ID card holders with the WEC voter registration list, or provide that information to WEC for transfer to ERIC. Determining whether any method exists for DOT to identify non-citizens within the statewide registration list is separate from an evaluation of whether WEC has authority to remove voters from the registration list based on that information. Current statutes do not expressly authorize WEC to inactivate voters based upon DOT flagging a registered individual as a potential non-citizen.

The Wisconsin statutes authorize WEC to inactivate a voter's registration under certain circumstances, authorize clerks to inactivate a registration under certain circumstances, and authorize either WEC or clerks to do so in others. For instance, state law requires WEC to inactivate the registration of a voter who fails to respond to a mailing sent to registered individuals who have not voted in the prior four years: "...the commission shall change the registration status of that elector from eligible to ineligible." [s. 6.50 (1) and (2), Stats.] Similarly, state law requires either WEC or the municipal clerk to inactivate voters after a postcard sent to verify an Election Day registration is returned as undeliverable: "...the clerk, board of election commissioners, or elections commission shall change the status of the elector from eligible to ineligible on the registration list...." [s. 6.56 (3), Stats.] State law also creates a process

[7] *Electronic Registration Information Center, Inc. Membership Agreement*, Exhibit A, page 13, accessible at: https://ericstates.org/wp-content/uploads/documents/ERIC-Bylaw-MA-FINAL.pdf.

AMERICAN OVERSIGHT

for challenging the registration of a non-qualified voter and assigns municipal clerks responsibility for inactivating registrations of these individuals: "If the clerk determines that the challenged elector is not qualified, the clerk shall change the challenged elector's registration from eligible to ineligible status on the registration list...." [s. 6.48 (1) (d), Stats.]

State law does not expressly authorize WEC to inactivate voter registrations based on DOT information indicating a person was not a U.S. citizen when they applied for a license or ID card, so any effort to do so must rely on WEC's general authority to "maintain" the voter registration list. However, if WEC's general list maintenance responsibility authorizes it to inactivate registrations on unspecified bases, then statutory language assigning the duty to WEC or clerks or to clerks only may be superfluous.

Additionally, the Wisconsin Supreme Court had an opportunity to endorse a broad interpretation of WEC's registration list maintenance authority in *Zignego v. WEC*, 2021 WI 32, but chose not to do so. In that case, the Court addressed whether a statute requiring clerks to change voter registrations to ineligible upon receiving reliable information that an individual had moved also obligates WEC to do so. The Supreme Court concluded that the statutory duty did not apply to WEC. [*Zignego*, 2021 WI 32 at ¶¶ 1-2.] In reaching its conclusion, the Court noted that WEC's authority to maintain the voter registration list is separate from its authority to make changes to the list: "Under Wis. Stat. § 6.36 (1) (a), the Commission 'shall compile and maintain electronically an official registration list.' But editing the list is a different matter." [*Id.* at ¶21.] In Justice Bradley's dissent, she argued that WEC's statutory authority to maintain the voter registration list authorized and obligated WEC to inactivate registrations of voters for whom WEC had reliable information they had moved, even without an express statutory directive. [*Id.* at ¶¶ 53-55.] The majority of the Supreme Court did not adopt this view.

While this discussion suggests the Court would not endorse WEC authority to inactivate voters in the absence of an explicit statutory directive, the question was not directly before the Court in *Zignego*. Therefore, whether WEC can rely upon its general authority to inactivate individuals believed to be ineligible, such as those flagged by DOT as non-citizens, has not been conclusively resolved. However, an attempt by WEC to remove such individuals would very likely result in litigation.

Please let me know if I can provide any further assistance.

KBO:PJH:jal

AMERICAN OVERSIGHT

# State of Wisconsin
**2023 - 2024 LEGISLATURE**

LRB-2292/P1
MPG&FFK:amn

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT ***to create*** 7.317 and 120.17 (11) of the statutes; **relating to:** requiring elections training for school district clerks.

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***Analysis by the Legislative Reference Bureau***

This bill requires the school district clerk of a common, union high, or unified school district to attend an election training sponsored by the Elections Commission at least once every two years. The bill requires the commission to conduct the training programs.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 7.317 of the statutes is created to read:

**7.317 Training of school district clerks.** The commission shall conduct regular training programs to ensure that school district clerks are knowledgeable concerning their authority and responsibilities related to school district elections.

**SECTION 2.** 120.17 (11) of the statutes is created to read:

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120.17 **(11)** At least once every 2 years during the period beginning on January 1 of each even–numbered year and ending on December 31 of the following year, attend an election training program sponsored by the elections commission under s. 7.317.

**(END)**

AMERICAN OVERSIGHT

SCOTT KRUG
STATE REPRESENTATIVE • 72nd ASSEMBLY DISTRICT

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P.O. Box 8952
Madison, WI 53708-8952
Rep.Krug@legis.wi.gov

TO: Assembly Committee on Consumer Protection

FROM: Rep. Scott Krug

RE: 2023 Assembly Bill 230, Recreational Vehicles

DATE: May 18, 2023

Chairman Callahan and members of the Assembly Committee on Consumer Protection:

Thank you for holding this hearing on 2023 Assembly Bill 230, which would make changes to existing law on the topics of the licensure of dealers selling recreational vehicles (RVs) and the relationship of those dealers to the manufacturers of RVs. The bill would also refine some definitions in the law that touch upon registration (licensure) of RVs.

AB 230 is the result of work by the Wisconsin Recreational Vehicle Dealers Alliance (WRVDA) and the Recreational Vehicle Industry Association (RVIA) whose members manufacture RVs. These two groups have contributed to the discussion on the bill and have agreed on its contents. AB 230 is thus an effort endorsed by RV dealers and RV manufacturers to improve and clarify Wisconsin's laws on the relationship between manufacturers and dealers.

The bill makes eight separate adjustments to what state law says about things such requiring a formal agreement between a manufacturer and a dealer, allowing a dealer to designate a family member as the successor to a business, and addressing other concerns about the renewal (or non-renewal) of the relationship between a manufacturer and a dealer. These changes are intended to clarify requirements and allow both dealers and manufacturers to have predictable expectations. These changes have been mutually agreed-to by the manufacturers and the dealers.

AB 230 also contains adjustments to the definition of RVs in law, and modifies some of the registration and licensure provisions in state statutes. As with the other changes in AB 230, these changes have been mutually agreed-to by the manufacturers and the dealers.

AB 230 modifies and expands the definition of "recreational vehicle" for purposes of regulating

***MORE***

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and registering RVs in Wisconsin. Among the changes, AB 230 expands the statutory definition of "recreational vehicle" to include camping trailers to define a "truck camper" as "a portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use and that consists of a roof, floor, and sides and that is designed to be loaded onto and unloaded from the back of a pickup truck."

The bill also states that vehicles meeting the expanded definition (as truck campers) may not be operated on a highway unless registered with DOT and must meet certain equipment requirements, including requirements related to brakes, safety glass, and coupling.

Finally, you will see in the LRB Summary that AB 230 creates a new crime or revises a penalty for an existing crime, and that because of this a report on AB 230 may be requested from the Joint Review Committee on Criminal Penalties. This part of the bill begins with Section At this time we have not discussed AB 230 with the co-chairs of the Joint Review Committee; instead we wanted to first have this hearing today, in order to determine if any changes to AB 230 might be indicated.

I thank you for your consideration of AB 230 and ask for your support of this bill.

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Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** February 9, 2024

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

**FROM:** Wisconsin Elections Commission

**SUBJECT:** Q&A Concerning Witness Address Information Related to *Rise, Inc., et al. v. WEC et al.*, (2022-CV-002446), *League of Women Voters of Wisconsin v. WEC*, *et al.*, (2022-CV-002472), and *White et al. v. Wisconsin Elections Commission*, (2022-CV-001008)

This memo is intended to answer basic questions that may arise following the Commission's three clerk communications concerning the above-referenced cases relating to absentee ballot witness addresses. This Q&A document does not alter the meaning of those communications and is intended as a practical guide to understanding them.

Question 1: Can an election official modify or add information to absentee ballot witness certifications?

Answer 1: No. Election officials cannot modify or add information to absentee ballot witness certifications.

Question 2: What does "address" mean as used in Wis. Stat. § 6.87(2) and (6d)?

Answer 2: It means "a place where the witness may be communicated with."

Question 3: What information is required for a sufficient witness address?

Answer 3: No particular components or information are required, but **an absentee ballot cannot be rejected or returned to a voter for correction under Wis. Stat. § 6.87(9) as long as the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.** This does not prevent returning an absentee ballot to a voter or rejecting an absentee ballot after 8 p.m. on Election Day if this standard cannot be met or if there is a separate issue, such as a missing witness signature or missing voter signature.

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*Wisconsin Elections Commissioners*
Don M. Millis, chair | Marge Bostelmann | Ann S. Jacobs | Carrie Riepl | Robert Spindell | Mark L. Thomsen

*Administrator*
Meagan Wolfe

Question 4: What information is enough for a reasonable person in the community to identify a location where the witness can be communicated with?

Answer 4: The Commission cannot provide a complete answer to this question since, by definition, it is community specific. However, it can state that in the four scenarios below, the witness address must be considered sufficient. A witness address is sufficient if:

a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;

b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;

c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or

d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

Question 5: If one of these four scenarios is not present, should the absentee ballot be rejected?

Answer 5: Not on that basis. **If an election official determines that one of the four scenarios above is present, the witness address is sufficient, and no further determination is needed. If one of these scenarios is not present, an election official must apply the standard in Answer 3, which is to look to the face of the certificate for information that would allow a reasonable person in the community to identify a location where the witness may be communicated with. If the information can be found on the face of the certificate, it is sufficient.**

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

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# State of Wisconsin
**2023 - 2024 LEGISLATURE**

LRBs0204/1
EVM:cjs&wlj

# ASSEMBLY SUBSTITUTE AMENDMENT 1,

# TO ASSEMBLY BILL 230

January 10, 2024 – Offered by Representative KRUG.

AN ACT ***to amend*** 218.10 (8m), 218.11 (title), 218.15, 340.01 (6m), 340.01 (18m), 340.01 (48r), 341.25 (1) (i), 348.08 (1) (i) and 348.08 (1) (j); ***to repeal and recreate*** 218.11 (7) (b); and ***to create*** 218.10 (1b), 218.10 (1c), 218.10 (1d), 218.10 (1i), 218.10 (1n), 218.10 (1o), 218.10 (1p), 218.10 (1q), 218.10 (1t), 218.10 (2), 218.10 (7m), 218.10 (7w), 218.10 (8u), 218.10 (8v), 218.10 (10), 218.10 (11), 218.11 (2) (e), 218.11 (4), 218.11 (6) (o), 218.161, 218.162, 218.163, 218.164, 218.165, 218.166, 218.167 and 348.07 (2) (L) of the statutes; **relating to:** recreational vehicle manufacturers, distributors, and dealers and the definition and operation of recreational vehicles.

---

***Analysis by the Legislative Reference Bureau***

This substitute amendment makes the following changes to the bill:

1. Requires recreational vehicle (RV) manufacturers and distributors to be licensed by the department of transportation.

2. Removes the administrative fine procedure created in the bill and provides instead that the license suspension and revocation procedures that apply to motor

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vehicle dealers, manufacturers, and distributors apply to RV dealers, manufacturers, and distributors.

3. Requires recreational vehicle dealers to maintain a bond of not less than $50,000 executed in the name of DOT.

4. Creates a definition of RV "distributor" such that the term means "a resident or nonresident who, in whole or in part, sells or distributes new recreational vehicles to recreational vehicle dealers or who maintains distributor representatives."

5. Creates a new, and changes an existing, definition of "fifth-wheel recreational vehicle" such that the term means "a recreational vehicle that is mounted on wheels, that is of a size and weight such that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle."

6. Creates an exception to length limits for vehicles operated on a highway. Under current law, most vehicles may not be operated on a highway if they exceed 45 feet in length. Under the substitute amendment, towed recreational vehicles may be operated on a highway so long as they do not exceed 46 feet in length.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 218.10 (1b) of the statutes is created to read:

218.10 **(1b)** "Area of sales responsibility" means the geographical area agreed to by the dealer and the manufacturer or distributor in a dealer agreement within which the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line-make.

**SECTION 2.** 218.10 (1c) of the statutes is created to read:

218.10 **(1c)** "Camping trailer" means a vehicle with a collapsible or folding structure designed to provide temporary living quarters for recreational, camping, or travel use and to be towed upon a highway by a motor vehicle.

**SECTION 3.** 218.10 (1d) of the statutes is created to read:

218.10 **(1d)** "Component manufacturer" means a person, firm, corporation, or business entity that engages in the manufacturing of components, accessories, or parts used in manufacturing recreational vehicles.

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**SECTION 4.** 218.10 (1i) of the statutes is created to read:

218.10 **(1i)** "Dealer agreement" means a written agreement or contract entered into by a dealer and a manufacturer or distributor that fixes the rights and responsibilities of the parties and pursuant to which the dealer sells new recreational vehicles.

**SECTION 5.** 218.10 (1n) of the statutes is created to read:

218.10 **(1n)** "Distributor" means a resident or nonresident who, in whole or in part, sells or distributes new recreational vehicles to recreational vehicle dealers or who maintains distributor representatives.

**SECTION 6.** 218.10 (1o) of the statutes is created to read:

218.10 **(1o)** "Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers in order to address a part or equipment issue.

**SECTION 7.** 218.10 (1p) of the statutes is created to read:

218.10 **(1p)** "Family member" means an individual's spouse or an individual's child, grandchild, parent, sibling, niece, or nephew or the spouse of any of these.

**SECTION 8.** 218.10 (1q) of the statutes is created to read:

218.10 **(1q)** "Fifth–wheel recreational vehicle" means a recreational vehicle that is mounted on wheels, that is of a size and weight such that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.

**SECTION 9.** 218.10 (1t) of the statutes is created to read:

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218.10 **(1t)** "Line–make" means a specific series of recreational vehicle products, the sale of which may be authorized by a dealer agreement, that satisfies all of the following:

(a) Is targeted to a particular market segment, as determined by the decor, features, equipment, size, weight, and price range.

(b) Has lengths and interior floor plans that distinguish the series of recreational vehicle products from other series with substantially the same decor, features, equipment, weight, and price.

(c) Belongs to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body.

**SECTION 10.** 218.10 (2) of the statutes is created to read:

218.10 **(2)** "Model" is a series of recreational vehicle products identified by a common series trade name or trademark that is a subset of a line–make.

**SECTION 11.** 218.10 (7m) of the statutes is created to read:

218.10 **(7m)** "Park model recreational vehicle" means a recreational vehicle that is all of the following:

(a) Designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use.

(b) Not permanently affixed to real property for use as a permanent dwelling.

(c) Built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

(d) Certified by the manufacturer as complying with the ANSI A119.5 Park Model Recreational Vehicle Standard.

**SECTION 12.** 218.10 (7w) of the statutes is created to read:

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218.10 **(7w)** "Proprietary part" means any part manufactured by or for and sold exclusively by the manufacturer.

**SECTION 13.** 218.10 (8m) of the statutes is amended to read:

218.10 **(8m)** "Recreational vehicle" ~~has the meaning given in s. 340.01 (48r)~~ means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, and that does not exceed 46 feet in length. "Recreational vehicle" includes a camping trailer, fifth–wheel recreational vehicle, park model recreational vehicle, and travel trailer.

**SECTION 14.** 218.10 (8u) of the statutes is created to read:

218.10 **(8u)** "Transient customer" means a customer who is temporarily traveling through a dealer's area of sales responsibility.

**SECTION 15.** 218.10 (8v) of the statutes is created to read:

218.10 **(8v)** "Travel trailer" means a vehicle that is mounted on wheels, that is designed to provide temporary living quarters for recreational, camping, or travel use, and that is of a size or weight that a special highway movement permit is not required when towed by a motor vehicle.

**SECTION 16.** 218.10 (10) of the statutes is created to read:

218.10 **(10)** "Warrantor" means a person, firm, corporation, or business entity that gives a warranty in connection with a new recreational vehicle or parts, accessories, or components of a new recreational vehicle.

**SECTION 17.** 218.10 (11) of the statutes is created to read:

218.10 **(11)** "Warranty" does not include service contracts, mechanical or other insurance, or extended warranties sold for separate consideration by a dealer or other person not controlled by a manufacturer.

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**SECTION 18.** 218.11 (title) of the statutes is amended to read:

**218.11** (title) **Recreational vehicle dealers, manufacturers, and distributors regulated.**

**SECTION 19.** 218.11 (2) (e) of the statutes is created to read:

218.11 **(2)** (e) A recreational vehicle dealer or an applicant for a recreational vehicle dealer license shall provide and maintain in force a bond or irrevocable letter of credit of not less than $50,000. The bond or letter of credit shall be executed in the name of the department of transportation for the benefit of any person who sustains a loss because of an act of a recreational vehicle dealer that constitutes grounds for the suspension or revocation of a license under sub. (6).

**SECTION 20.** 218.11 (4) of the statutes is created to read:

218.11 **(4)** (a) No manufacturer or distributor may engage in business as a manufacturer or distributor in this state without a license.

(b) No manufacturers' or distributors' recreational vehicles may be sold in this state unless either the manufacturer on direct dealerships of domestic vehicles or the distributor on indirect dealerships of either domestic or foreign vehicles are licensed under par. (a). The obtaining of a license under par. (a) shall conclusively establish that a manufacturer or distributor is doing business in this state and shall subject the licensee to all provisions of the Wisconsin statutes regulating manufacturers and distributors.

**SECTION 21.** 218.11 (6) (o) of the statutes is created to read:

218.11 **(6)** (o) Being a dealer, manufacturer, or distributor that violates any provision of s. 218.161 to 218.167.

**SECTION 22.** 218.11 (7) (b) of the statutes is repealed and recreated to read:

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218.11 **(7)** (b) The provisions of s. 218.0116 (4) relating to the suspension and revocation of a license applies to the suspension and revocation of the license of a recreational vehicle dealer, manufacturer, or distributor, except that the provisions s. 218.0116 (4) do not apply to the suspension or revocation of a license under sub. (6m) and that no suspension or revocation under this paragraph may be predicated on conduct related to mileage disclosure.

**SECTION 23.** 218.15 of the statutes is amended to read:

**218.15 Sale or lease of used recreational vehicles.** In the sale or lease of any used recreational vehicle, the sales invoice or lease agreement shall contain the point of manufacture of the used recreational vehicle~~,~~ and the name of the manufacturer ~~and the name and address of the previous owner~~.

**SECTION 24.** 218.161 of the statutes is created to read:

**218.161 Dealer agreement requirement. (1)** A manufacturer or distributor may not sell a new recreational vehicle in this state to or through a dealer without having first entered into a written dealer agreement with a dealer that has been signed by both parties.

**(2)** The manufacturer shall designate the area of sales responsibility exclusively assigned to a dealer in the dealer agreement and may not change the area of sales responsibility or contract with another dealer for sale of the same model or line–make, as specified in the agreement, in the designated area of sales responsibility during the duration of the agreement.

**(3)** The terms of the dealer agreement, including the area of sales responsibility, may not be reviewed or changed during the duration of the dealer agreement without the written mutual consent of the parties. The duration of the dealer agreement shall be stated in the dealer agreement.

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**(4)** A dealer may not sell a new recreational vehicle in this state without having first entered into a dealer agreement with a manufacturer or distributor and may not sell outside the area of sales responsibility designated in the agreement under sub. (2).

**(5)** A manufacturer may not unilaterally issue a policy or procedure that violates or substantially alters a provision of the dealer agreement during the duration of the agreement.

**(6)** A manufacturer shall distribute new recreational vehicles to its dealers in a fair and equitable manner. If requested, a manufacturer shall provide information on its manner of distribution.

**(7)** A manufacturer shall provide its dealer with adequate technical data to perform proper service and repairs.

**SECTION 25.** 218.162 of the statutes is created to read:

**218.162 Termination of dealer agreement. (1)** (a) A manufacturer or distributor, directly or through any officer, agent, or employee, may terminate, cancel, or fail to renew a model, line–make, or entire dealer agreement only with good cause, and, upon renewal, may not require additional inventory stocking requirements or increased retail sales targets in excess of the market growth in the dealer's area of sales responsibility.

(b) A manufacturer or distributor has the burden of showing good cause for terminating, canceling, or failing to renew a model, line–make, or dealer agreement with a dealer. For purposes of determining whether there is good cause for the proposed action, any of the following factors may be considered:

1. The extent of the affected dealer's penetration in the relevant market area for the relevant model or line–make.

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2. The nature and extent of the dealer's investment in its business.

3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel.

4. The effect of the proposed action on the community.

5. The extent and quality of the dealer's service under recreational vehicle warranties.

6. The failure to follow agreed–upon, reasonable procedures or standards related to the overall operation of the dealership consistent with the law and the dealer agreement.

7. The dealer's performance under the terms of its dealer agreement.

(c) 1. Except as provided in this paragraph, a manufacturer or distributor shall provide a dealer with at least 120 days' prior written notice of termination, cancellation, or nonrenewal of a model, line–make, or entire dealer agreement.

2. The notice under subd. 1. shall state all reasons for the proposed termination, cancellation, or nonrenewal and shall state that if, within 30 days following receipt of the notice, the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer will then have 120 days following receipt of the notice to rectify the deficiencies. If the deficiencies are rectified within 120 days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies in the prescribed period, the termination, cancellation, or nonrenewal takes effect 30 days after the dealer's receipt of the notice unless the dealer has new and untitled inventory on hand that may be disposed of as provided under sub. (3).

3. The notice period under subd. 1. may be reduced to 30 days if the grounds for termination, cancellation, or nonrenewal are due to any of the following:

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a. A dealer or one of its owners being convicted of a felony.

b. The abandonment or closing of the business operations of the dealer for 10 consecutive business days unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control.

c. A significant misrepresentation by the dealer materially affecting the business relationship.

d. A suspension of, revocation of, or refusal to renew the dealer's license by the department.

4. The notice provisions of this paragraph do not apply if the reason for termination, cancellation, or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

**(2)** A dealer may terminate, cancel, or fail to renew a model, line–make, or entire dealer agreement with a manufacturer or distributor with or without good cause at any time by giving 30 days' written notice to the manufacturer. If the termination, cancellation, or nonrenewal is for good cause, the dealer has the burden of showing good cause. Any of the following items, among others, may be deemed good cause for the proposed action by a dealer:

(a) A manufacturer being convicted of a felony.

(b) The business operations of the manufacturer have been abandoned or closed for 10 consecutive business days, unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control.

(c) A significant misrepresentation by the manufacturer materially affecting the business relationship.

(d) A material violation of this subchapter that is not cured within 30 days after written notice by the dealer.

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(e) A declaration by the manufacturer of insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

(f) A manufacturer's material violation of the dealer agreement that is not cured within 120 days after written notice by the dealer.

(g) Manufacturer coercion of the dealer under s. 218.166.

(h) Manufacturer violation of area of sales responsibility protections or allowing other dealers to violate these protections.

**(3)** If the dealer agreement is terminated, canceled, or not renewed by the dealer for good cause, the manufacturer shall, at the election of the dealer and within 45 days after termination, cancellation, or nonrenewal, repurchase all of the following:

(a) All new, untitled recreational vehicles that were acquired from the manufacturer or distributor within 18 months before the date of the notice of termination, cancellation, or nonrenewal that have not been used, except for demonstration purposes, and that have not been altered or damaged, at 100 percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the recreational vehicles repurchased is damaged, the amount due to the dealer shall be reduced by the cost to repair the damaged recreational vehicle. Damage prior to delivery to the dealer will not disqualify repurchase under this subsection. Any repurchased recreational vehicle must be paid for in full before the recreational vehicle is removed from the dealer's premises. Upon payment under this paragraph, recreational vehicles must be immediately surrendered to the manufacturer.

(b) All undamaged accessories or proprietary parts sold to the dealer for resale within the 12 months prior to termination, cancellation, or nonrenewal, if

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accompanied by the original invoice, at 105 percent of the original net price paid to the manufacturer or distributor to compensate the dealer for handling, packing, and shipping the parts.

(c) Any properly functioning diagnostic equipment, special tools, current signage, or other equipment and machinery at 100 percent of the dealer's net cost plus freight, destination, delivery, and distribution charges and sales taxes, if any, if the equipment, tools, signage, or machinery was purchased by the dealer within 5 years before termination, cancellation, or nonrenewal and upon the manufacturer's or distributor's request and can no longer be used in the normal course of the dealer's ongoing business.

**(4)** If a dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause in violation of sub. (1), the manufacturer or distributor shall repurchase dealer recreational vehicles, accessories, and other equipment in the manner provided in sub. (3).

**(5)** (a) A dealer is not prohibited from selling any remaining in–stock inventory of a particular model or line–make after a dealer agreement has been terminated, cancelled, or not renewed by the manufacturer.

(b) If recreational vehicles of a model or line–make subject to a terminated agreement are not repurchased or required to be repurchased by the manufacturer or distributor, the dealer may continue to sell recreational vehicles that are subject to the terminated dealer agreement and are currently in stock until those recreational vehicles are no longer in the dealer's inventory.

**(6)** When taking on an additional line–make, a dealer shall notify in writing any manufacturer with whom the dealer has a dealer agreement of the same

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line–make at least 30 days prior to entering into a dealer agreement with the manufacturer of the additional line–make.

**SECTION 26.** 218.163 of the statutes is created to read:

**218.163 Transfer of ownership. (1)** If a dealer desires to make a change in ownership by the sale of business assets, stock transfer, or otherwise, the dealer shall give the manufacturer or distributor written notice at least 10 business days before the closing, along with all supporting documentation as may be reasonably required by the manufacturer or distributor to determine if an objection to the sale may be made. In the absence of a breach by the selling dealer of its dealer agreement or this subchapter, the manufacturer or distributor may not object to the proposed change in ownership unless any of the following applies to the prospective transferee:

(a) The transferee has previously been terminated for cause by the manufacturer.

(b) The transferee has been convicted of a felony or any crime of fraud, deceit, or moral turpitude.

(c) The transferee lacks any license required by law.

(d) The transferee does not have an active line of credit sufficient to purchase a manufacturer's product.

(e) The transferee has undergone in the last 10 years bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee, or conservator to take possession of the transferee's business or property.

**(2)** If a manufacturer or distributor objects to a proposed change in ownership, the manufacturer or distributor shall give written notice of its reasons to the dealer within 7 business days after receipt of the dealer's notification and complete documentation. The manufacturer or distributor has the burden of proof with regard

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to its objection. If the manufacturer or distributor does not give timely notice of its objection, the change, sale, or transfer shall be approved.

**(3)** (a) A manufacturer or distributor shall provide a dealer an opportunity to designate, in writing, a family member as a successor to the dealership in the event of the death, incapacity, or retirement of the dealer. A manufacturer or distributor may not prevent or refuse to honor the succession unless the manufacturer or distributor has provided to the dealer written notice of its objections within 10 business days after receipt of the dealer's modification of the dealer's succession plan. In the absence of a breach of the dealer agreement, the manufacturer may object to the succession only for any of the following reasons:

1. Conviction of the successor of a felony or any crime of fraud, deceit, or moral turpitude.

2. Bankruptcy or insolvency of the successor during the past 10 years.

3. Prior termination by the manufacturer of the successor for breach of a dealer agreement.

4. The lack of an active line of credit for the successor sufficient to purchase the manufacturer's product.

5. The lack of any license for the successor required by law.

(b) The manufacturer or distributor has the burden of proof regarding its objection. A family member may not succeed to a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the business or an alteration of the terms and conditions of the dealer agreement.

**SECTION 27.** 218.164 of the statutes is created to read:

**218.164 Warranty obligation. (1)** Each warrantor shall do all of the following:

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(a) Specify, in writing, to each of the warrantor's dealers, the dealer's obligations, if any, for preparation, delivery, and warranty service on the warrantor's products.

(b) Compensate the dealer for warranty service performed by the dealer that is covered by the warrantor's own warranty.

(c) Provide the dealer with the schedule of compensation to be paid and the time allowances for the performance of any work and service. The schedule of compensation shall include reasonable compensation for diagnostic work as well as warranty labor. If the schedule of compensation required by this paragraph does not include a particular repair, the warrantor shall reimburse the dealer for warranty service for the actual time expended unless the warrantor demonstrates that the actual time was not reasonable. If the warrantor demonstrates that the actual time was not reasonable, the dealer shall be paid a reasonable sum.

**(2)** Time allowances for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rate actually charged by the dealer in the ordinary course of business for like nonwarranty labor as long as the rate is reasonable.

**(3)** The warrantor shall reimburse the dealer for any warranty part at actual wholesale cost plus a minimum 30 percent handling charge and the cost, if any, of freight to return such part to the warrantor. If a part is sent to the dealer at no cost, the dealer is entitled to payment of 30 percent of the wholesale cost of the part from warrantor as a handling charge. The maximum handling charge for a part shall not exceed $300. If the warrantor requires the dealer to return a warranty part,

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accessory, or complete component, the warrantor shall reimburse the dealer the cost of freight to return the part, accessory, or component.

**(4)** Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis, and dealer claims for warranty compensation may not be denied except for cause, including performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud, or misrepresentation.

**(5)** A dealer shall submit warranty claims within 45 days after completing work.

**(6)** A dealer shall notify the warrantor as soon as is reasonably possible, verbally or in writing, if the dealer is unable or unwilling to perform material or repetitive warranty repairs.

**(7)** A warrantor shall disapprove warranty claims in writing within 45 days after the date of submission by the dealer in the manner and form prescribed by the warrantor. Claims not specifically disapproved in writing within 45 days shall be construed to be approved and must be paid within 60 days.

**(8)** No warrantor may do any of the following:

(a) Fail to perform any of its warranty obligations with respect to its warranted products.

(b) Fail to include, in written notices of factory campaigns to recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the factory campaign work. A warrantor may ship parts to the dealer to affect the factory campaign work, and, if parts provided are in excess of the dealer's

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requirements, the dealer may return unused parts to the warrantor for credit after completion of the campaign.

(c) Fail to compensate any of its dealers for authorized repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer if the carrier is designated by the warrantor, factory branch, distributor, or distributor branch.

(d) Fail to compensate any of its dealers for authorized warranty service in accordance with the time allowances set forth in the schedule of compensation under sub. (1) (c) if performed in a timely and competent manner.

(e) Intentionally misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer as warrantor or co–warrantor.

(f) Require the dealer to make warranties to customers in any manner related to the manufacture of the recreational vehicle.

**(9)** No dealer may do any of the following:

(a) Fail to perform predelivery inspection functions, as specified by the warrantor, in a competent and timely manner.

(b) Fail to perform warranty service work authorized by the warrantor in a reasonably competent and timely manner on any transient customer's vehicle of the same line–make unless the dealer determines that the customer is acting in a manner detrimental to its business.

(c) Fail to track actual time expended to perform warranty work not governed by time allowances in the schedule of compensation under sub. (1) (c).

(d) Claim an agency relationship with the warrantor or manufacturer.

(e) Misrepresent the terms of any warranty.

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**(10)** Notwithstanding the terms of any dealer agreement, all of the following apply:

(a) A warrantor shall indemnify, defend, and hold harmless its dealer against any losses or damages to the extent such losses or damages are caused by the negligence or willful misconduct of the warrantor. A dealer may not be denied indemnification or a defense for failing to discover, disclose, or remedy a defect in the design or manufacturing of the recreational vehicle. A dealer shall provide to the warrantor a copy of any suit in which allegations are made under this section within 10 days after receiving the suit. This paragraph shall continue to apply even after the recreational vehicle is titled. Indemnification shall include court costs, reasonable attorney fees, and expert witness fees incurred by the dealer.

(b) A dealer shall indemnify, defend, and hold harmless its warrantor against any losses or damages to the extent such losses or damages are caused by the negligence or willful misconduct of the dealer. The warrantor shall provide to the dealer a copy of any suit in which allegations are made under this section within 10 days after receiving the suit. This paragraph shall continue to apply even after the recreational vehicle is titled. Indemnification must include court costs, reasonable attorney fees, and expert witness fees incurred by the warrantor.

**SECTION 28.** 218.165 of the statutes is created to read:

**218.165 Inspection of recreational vehicles. (1)** Whenever a new recreational vehicle is damaged prior to transit to the dealer or is damaged in transit to the dealer when the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the time frame specified in the dealer agreement and do any of the following:

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(a) Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage.

(b) Reject the vehicle within the time frame set forth in sub. (4).

**(2)** If a manufacturer or distributor refuses or fails to authorize repair of damage described under sub. (1) within 10 days after receipt of notification under sub. (1) or if the dealer rejects the recreational vehicle because of damage, ownership of the new recreational vehicle reverts to the manufacturer or distributor.

**(3)** A dealer shall exercise due care in custody of a damaged recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to that recreational vehicle.

**(4)** The time frame for inspection and rejection by the dealer shall be part of the dealer agreement and may not be less than 2 business days after the physical delivery of the recreational vehicle.

**SECTION 29.** 218.166 of the statutes is created to read:

**218.166 Coercion. (1)** In this section, "coerce" includes threatening to terminate, cancel, or not renew a dealer agreement without good cause or threatening to withhold product lines or delay product delivery as an inducement to amending the dealer agreement.

**(2)** A manufacturer or distributor may not coerce or attempt to coerce a dealer to do any of the following:

(a) Purchase a product that the dealer did not order.

(b) Enter into an agreement with the manufacturer or distributor.

(c) Take any action that is unfair or unreasonable to the dealer.

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(d) Enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided under this subchapter.

(e) Forego exercising a right authorized by a dealer agreement or any law governing the manufacturer–dealer relationship.

**(3)** A dealer bears the burden of proof regarding the prohibited acts described in sub. (2).

**SECTION 30.** 218.167 of the statutes is created to read:

**218.167 Dispute resolution. (1)** A dealer, manufacturer, distributor, or warrantor injured by a violation of this subchapter by another dealer, manufacturer, distributor, or warrantor may bring a civil action in circuit court to recover actual damages. The court shall award attorney fees and costs to the prevailing party in an action under this section. Venue for any civil action authorized by this section shall be exclusively in the county in which the dealership is located. In an action involving more than one dealer, venue may be in any county in which a dealer who is party to the action is located.

**(2)** (a) Before bringing suit under this section, the party bringing suit for an alleged violation shall serve a written demand for mediation upon the offending party. This paragraph does not apply to a proceeding for injunctive relief.

(b) A demand for mediation under this subsection shall be served upon the offending party by certified mail at the address stated within the dealer agreement between the parties or, if the address is not contained in the agreement or the address is no longer valid, the address on the offending party's license filed with this state. In the event of a civil action between 2 dealers, the demand shall be mailed to the address on the dealer's license filed with this state.

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(c) A demand for mediation under this subsection shall contain a brief statement of the dispute and the relief sought by the party filing the demand.

(d) Within 20 days after the date a demand for mediation is served under par. (b), the parties shall mutually select an independent mediator and meet with the mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this state in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or upon stipulation of both parties.

(e) The service of a demand for mediation under this subsection stays the time for the filing of any complaint, petition, protest, or action under this subchapter until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this subsection, enter an order suspending the proceeding or action for as long a period as the court considers appropriate. A suspension order issued under this paragraph may be revoked by the court.

(f) The parties to a mediation under this subsection shall bear their own costs for attorney fees and divide equally the cost of the mediator.

**(3)** In addition to the remedies provided in this section, and notwithstanding the existence of any additional remedy at law, a dealer or manufacturer may apply to a circuit court for the grant, upon a hearing and for cause shown, of a temporary or permanent injunction, or both, restraining any person from acting as a dealer, manufacturer, or distributor without being properly licensed under this chapter,

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from violating or continuing to violate any of the provisions of this subchapter, or from failing or refusing to comply with the requirements of this subchapter. An injunction under this subsection shall be issued without bond. A single act in violation of any of the provisions of this subchapter is sufficient to authorize the issuance of an injunction.

**SECTION 31.** 340.01 (6m) of the statutes is amended to read:

340.01 **(6m)** "Camping trailer" means a vehicle with a collapsible or folding structure designed ~~for human habitation and~~ to provide temporary living quarters for recreation, camping, or travel use and to be towed upon a highway by a motor vehicle.

**SECTION 32.** 340.01 (18m) of the statutes is amended to read:

340.01 **(18m)** "Fifth–wheel recreational vehicle" means a recreational vehicle ~~that is towed by a vehicle with a flatbed frame so the trailer hitch of the recreational vehicle is bolted to the flatbed frame of the towing vehicle~~ that is mounted on wheels, that is of a size and weight such that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.

**SECTION 33.** 340.01 (48r) of the statutes is amended to read:

340.01 **(48r)** "Recreational vehicle" means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, ~~that has walls of rigid construction,~~ and that does not exceed ~~45~~ 46 feet in length. "Recreational vehicle" includes a camping trailer, fifth–wheel recreational vehicle, park model

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recreational vehicle, as defined in s. 218.10 (7m), and travel trailer, as defined in s. 218.10 (8v).

**SECTION 34.** 341.25 (1) (i) of the statutes is amended to read:

341.25 **(1)** (i) For each recreational vehicle~~, and for each camping trailer~~, a fee of $15.

**SECTION 35.** 348.07 (2) (L) of the statutes is created to read:

348.07 **(2)** (L) Forty–six feet for a towed recreational vehicle.

**SECTION 36.** 348.08 (1) (i) of the statutes is amended to read:

348.08 **(1)** (i) A 3–vehicle combination consisting of a towing vehicle and, in order by weight, with the lighter of the towed vehicles as the 3rd vehicle in the 3–vehicle combination unless not structurally possible, a recreational vehicle ~~or camping trailer~~ as the 2nd vehicle, and a recreational vehicle~~, camping trailer,~~ or trailer carrying any vehicle for recreational use or carrying no load as the 3rd vehicle may, without a permit, be operated on a highway if the overall length of the combination of vehicles does not exceed 65 feet and, if the total weight, including any load, of all towed vehicles exceeds 3,000 pounds, one of the towed vehicles is equipped with brakes. No 3–vehicle combination may operate under this paragraph if highway or weather conditions include heavy snow, freezing rain, icy roads, high winds, limited visibility, or upon a highway that is closed or partially closed by the department due to highway conditions.

**SECTION 37.** 348.08 (1) (j) of the statutes is amended to read:

348.08 **(1)** (j) A 3–vehicle combination not exceeding 70 feet in overall length may, without a permit, be operated on a highway if the towing vehicle serving as the power unit is equipped with a 5th wheel and kingpin connection by which the 2nd vehicle in the 3–vehicle combination is drawn, the 2nd vehicle in the 3–vehicle

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combination is a recreational vehicle ~~or camping trailer~~, including any combination camping–horse trailer, the 3rd vehicle in the 3–vehicle combination is a recreational vehicle ~~or camping trailer~~ or a trailer carrying any vehicle for recreational use, carrying equestrian equipment and equestrian supplies for recreational purposes, or carrying no load, and, if the total weight, including any load, of all towed vehicles exceeds 3,000 pounds, one of the towed vehicles is equipped with brakes. No 3–vehicle combination may operate under this paragraph if highway or weather conditions include heavy snow, freezing rain, icy roads, high winds, limited visibility, or upon a highway that is closed or partially closed by the department due to highway conditions.

**SECTION 38. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

**(END)**

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# U.S. citizens can easily get a free ID for voting



## No birth certificate?

## Ask us how to obtain a free ID!

**Call us at** (844) 588-1069
**or visit** wisconsindmv.gov
bringit.wi.gov

## *Steps for U.S. citizens to get a free ID for voting:*

1. Visit your local DMV office. We'll help. To find a DMV, call us (844) 588-1069.
2. Bring the following, *if available*:
   - **Proof of Name and Date of Birth** (Birth certificate, Passport)
   - **Proof of identity** (Social Security card, Medicaid/Medicare card, ID card from another state, etc.)
   - **Wisconsin Residency** (Utility bill, government mail, lease, etc.)
   - **Proof of U.S. Citizenship** (U.S. birth certificate or citizenship paperwork)
   - **Social Security Number**
3. If you don't have all or any of these... you can still get an ID for voting if you are a U.S. citizen and will be at least 18 years of age by the next election. Bring what you have to the DMV, fill out two forms, and you will get a photo ID document in the mail that you can use in time for voting.

**This process is authorized via Wis. Stat. § 343.165(8).**

DRAFT April 29, 2024 8:39 AM

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# Committee Proposals
## Items referred to committee
## Committee on Campaigns and Elections

This report lists all bills in the Committee that had a hearing or an executive session vote.

**2/13/2023** **Assembly Bill 38**
relating to: absentee ballot request and return confirmation.

By Representatives Steffen, Knodl, Armstrong, C. Anderson, Bare, Edming, Magnafici, Moses, Murphy, Mursau, O'Connor, Swearingen, Tusler and Jacobson; cosponsored by Senators Cabral-Guevara, Roys, Spreitzer and Tomczyk.

LC Amendment Memo

FINAL STATUS: Passed the Assembly on 11/09/2023; Senate companion SB 39 passed by committee but not by the Senate

**3/8/2023** **Assembly Bill 93**
relating to: verifying citizenship of individuals on the official voter registration list and contents of operator's licenses and identification cards.

By Representatives Knodl, Allen, Armstrong, Behnke, Binsfeld, Brandtjen, Brooks, Dittrich, Duchow, Edming, Green, Gundrum, Kitchens, Magnafici, Michalski, Moses, Murphy, Mursau, Neylon, O'Connor, Rettinger, Rozar, Schraa, Tittl and Tusler; cosponsored by Senators Stroebel, Bradley, Cabral-Guevara, Cowles, Nass and Tomczyk.

FINAL STATUS: Companion bill SB 98 VETOED 12-06-2023

**5/17/2023** **Assembly Bill 282**
relating to: broadcasting election night proceedings.

By Representatives Sortwell, Ortiz-Velez, Steffen, Behnke, Bodden, Brandtjen, Edming, Murphy, Moses and Krug; cosponsored by Senators Wimberger, Taylor, Nass and Tomczyk.

LC Amendment Memo

FINAL STATUS: Passed by committee on 10/19/2023. no further action. Senate companion SB 283 signed into law as Act 53, 2023 Wisconsin Act 53: LC Act Memo

**5/17/2023** **Assembly Bill 283**
relating to: aids to counties and municipalities for certain special election costs and making an appropriation.

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By Representatives Sortwell, Ortiz-Velez, Behnke, Brandtjen, Cabrera, Edming, Magnafici, Murphy, Steffen, Subeck and Krug; cosponsored by Senators Jacque, Taylor and Spreitzer.

FINAL STATUS: Passed by committee on 10/19/2023, no further action. Senate companion SB 278 passed by Senate on 10/17/2023 but died in Assembly Rules

**5/25/2023** **Assembly Bill 298**
relating to: polling place closures.

By Representatives Sortwell, Ortiz-Velez, Baldeh, Behnke, Gundrum, Gustafson, Kitchens, Moses, Myers, Steffen, Stubbs and Krug; cosponsored by Senators Taylor, Jacque, Ballweg and Tomczyk.

FINAL STATUS: Signed into law as Act 124, 2023 Wisconsin Act 124: LC Act Memo

**6/22/2023** **Assembly Bill 330**
relating to: the number of signatures on nomination papers.

By Representatives Ortiz-Velez, Sortwell, Tittl, Gundrum, Cabrera, Joers, Andraca, C. Anderson, Sinicki, Murphy, Stubbs, Allen, Moses, Conley, Gustafson, Brandtjen, Krug and Bodden; cosponsored by Senators James, Taylor, Spreitzer, Carpenter, Cabral-Guevara, Tomczyk and Ballweg.

FINAL STATUS: Signed into law as Act 125, 2023 Wisconsin Act 125: LC Act Memo

**6/22/2023** **Assembly Bill 335**
relating to: judgments concerning a candidate's felony violation of certain campaign finance or election fraud laws.

By Representatives Ortiz-Velez, Sortwell, Conley, Cabrera, Myers, Joers, Ohnstad, Krug, Gustafson, Murphy and Sinicki; cosponsored by Senators Knodl, Spreitzer and Taylor.

FINAL STATUS: Signed into law as Act 52, 2023 Wisconsin Act 52: LC Act Memo

**9/6/2023** **Assembly Bill 396**
relating to: fees for obtaining the official voter registration list.

By Representatives Binsfeld, Gustafson, Bodden, Armstrong, Brandtjen, Donovan, Magnafici, Maxey, Murphy, Schmidt, Steffen, Tittl and Wichgers; cosponsored by Senators Knodl, Tomczyk, Stroebel, Nass and Jacque.

FINAL STATUS: VETOED on 12/06/2023

**9/6/2023** **Assembly Bill 414**
relating to: public funds for substantially identical materials distributed by state senators and representatives to the assembly prior to a general election and providing a penalty.

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By Representatives Steffen, Murphy, O'Connor, Pronschinske, Sinicki and Wichgers; cosponsored by Senators Knodl, Marklein and Nass.

FINAL STATUS: Companion bill SB 408 signed into law as Act 105, 2023 Wisconsin Act 105: LC Act Memo

**9/28/2023** **Assembly Bill 441**
relating to: timeline for sending or transmitting presidential preference primary absentee ballots.

By Representatives Bodden, Michalski, C. Anderson, Andraca, Behnke, Brooks, Conley, Considine, Duchow, Edming, Gundrum, Joers, Krug, Maxey, Rettinger, Schmidt, Subeck, Ortiz-Velez and Jacobson; cosponsored by Senators Stroebel, Spreitzer, Knodl, Ballweg, Felzkowski and James.

FINAL STATUS: Companion SB 433 signed into law as Act 54, 2023 Wisconsin Act 54: LC Act Memo

**10/12/2023** **Assembly Bill 476**
relating to: filling vacancies in elective state offices in the executive branch.

By Representatives Magnafici, Behnke, Brandtjen, Brooks, Edming, Goeben, Green, Gundrum, Gustafson, Kitchens, Michalski, Murphy, O'Connor, Rozar, Schutt and Steffen; cosponsored by Senators Tomczyk, Ballweg and James.

FINAL STATUS: VETOED on 3-21-2024

**10/13/2023** **Assembly Bill 493**
relating to: counting write-in votes in the general election.

By Representatives Macco, Gundrum, S. Johnson, Michalski, O'Connor, Ortiz-Velez and Rozar; cosponsored by Senator Wanggaard.

FINAL STATUS: Passed on 11/09/2023; companion SB 493 passed by committee with no further action

**10/16/2023** **Assembly Bill 494**
relating to: status as an indefinitely confined voter for purposes of automatically receiving absentee ballots and providing a penalty.

By Representatives Duchow, Armstrong, Dittrich, Edming, Goeben, Kitchens, Magnafici, Maxey, Murphy, Nedweski, O'Connor and Rettinger; cosponsored by Senator Knodl.

FINAL STATUS: VETOED on 1-18-2024

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**10/18/2023** **Assembly Bill 495**
relating to: poll list numbers marked on certain absentee ballots.

By Representatives Rozar, Snodgrass, Baldeh, Bare, C. Anderson, Conley, Joers, Krug, Michalski, Murphy, Mursau, Ortiz-Velez, Ratcliff, Shelton and Subeck; cosponsored by Senators Knodl, Spreitzer, Jacque and Wirch.

FINAL STATUS: Passed by committee; no further action; no companion bill

**10/18/2023** **Assembly Bill 497**
relating to: notice of change in polling place location.

By Representatives Haywood, Sinicki, Emerson, Subeck, Ortiz-Velez, Ratcliff, Ohnstad, Cabrera, Palmeri, Drake, Joers, J. Anderson and Shankland; cosponsored by Senators Spreitzer, Larson and Hesselbein.

FINAL STATUS: Passed by committee; companion SB 570 received no action

**10/18/2023** **Assembly Bill 543**
relating to: election observers and providing a penalty.

By Representatives Tittl, Allen, Armstrong, Behnke, Brandtjen, Dittrich, Goeben, Michalski, Murphy, Mursau, O'Connor, Rettinger, Rozar and Wichgers; cosponsored by Senators Quinn, Nass and Tomczyk.

FINAL STATUS: VETOED on 3-21-2024

**10/23/2023** **Assembly Bill 552**
relating to: setting a maximum age for serving as a supreme court justice or judge of a court of record.

By Representatives Rettinger, Dittrich, O'Connor and Gustafson; cosponsored by Senators Tomczyk and Cabral-Guevara.

FINAL STATUS: Passed on 11/09/2023; Senate committee hearing but no further action; companion SB 569 heard in Senate w no further action

**10/26/2023** **Assembly Bill 567**
relating to: transmitting and canvassing absentee ballots, use of central counting locations, election night reporting, whistleblower protection for municipal clerks, notifications and verifications concerning citizenship status, court determinations of incompetency and ineligibility to vote, and providing a penalty.

By Representatives Tusler, Maxey, Armstrong, Dittrich, Donovan, Kitchens, Michalski, Murphy, O'Connor, Rettinger, Rozar, Schraa and Steffen; cosponsored by Senator Cabral-Guevara.

FINAL STATUS: Passed on 11/09/2023; heard in Senate committee but no further action; companion SB 685 heard in Senate w no further action

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**10/26/2023** **Assembly Bill 570**
relating to: certain kinds of election fraud, defects on absentee ballot certificates, returning absentee ballots to the office of the municipal clerk, appointment of election officials, allowing an employee of a residential care facility or qualified retirement home to serve as a personal care voting assistant during a public health emergency or an incident of infectious disease, and providing a penalty.

By Representatives Maxey, Macco, Armstrong, Edming, Michalski, Murphy, Rettinger, Steffen and VanderMeer; cosponsored by Senator Jacque.

FINAL STATUS: VETOED on 3-21-2024

**10/26/2023** **Assembly Bill 571**
relating to: maintenance of the voter registration list, training of municipal clerks, data sharing agreements, pre-election procedures, lines at the polls on election day, and granting rule-making authority.

By Representatives Dittrich, Maxey, Michalski, S. Johnson, Edming, O'Connor, Murphy, Callahan, Rettinger, Armstrong, Moses and Rozar.

FINAL STATUS: Passed on 11/09/2023; no further action

**10/26/2023** **Assembly Bill 572**
relating to: absentee voting in certain residential care facilities and retirement homes and court determinations of incompetency and ineligibility to vote.

By Representatives Kitchens, Allen, Binsfeld, Dittrich, Donovan, Edming, Goeben, Gundrum, Krug, Magnafici, Maxey, Michalski, Murphy, Mursau, Nedweski, O'Connor, Penterman and Rozar; cosponsored by Senators Quinn, Ballweg, Marklein and Nass.

FINAL STATUS: VETOED on 3-21-2024

**10/31/2023** **Assembly Bill 577**
relating to: an election official's personal information; battery against election officials; whistleblower protection for municipal clerks, county clerks, and election officials who witness and report election fraud or irregularities; harassing election officials; and providing a penalty.

By Representatives Goeben, Rozar, Ortiz-Velez, Behnke, Dittrich, S. Johnson, Maxey, O'Connor and Rettinger.

FINAL STATUS: Passed on 11/09/2023; Senate committee passed but no further action

**10/31/2023** **Assembly Bill 599**
relating to: expressly prohibiting a foreign national from making a contribution to a referendum committee.

By Representatives Ratcliff, Sinicki, Ortiz-Velez, Conley, J. Anderson, Emerson, Snodgrass, Subeck, Baldeh, Bare, Shelton, Cabrera, Considine, Palmeri, Stubbs, C.

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Anderson, Joers and Shankland; cosponsored by Senators Larson, Spreitzer, Taylor, Roys, L. Johnson and Hesselbein.

FINAL STATUS: Passed by committee; Companion SB 563 hearing but no further action

**11/9/2023** **Assembly Bill 664**
relating to: disclosures regarding content generated by artificial intelligence in political advertisements, granting rule-making authority, and providing a penalty.

By Representatives Neylon, C. Anderson, J. Anderson, Armstrong, Bare, Behnke, Conley, Considine, Dittrich, Emerson, Gundrum, Joers, Kitchens, Krug, Mursau, O'Connor, Riemer, Rettinger, Schraa, Snodgrass, Snyder, Tittl, Wichgers and Goeben; cosponsored by Senators Quinn, Spreitzer, Feyen, Hesselbein and Cabral-Guevara.

FINAL STATUS: Signed into law as Act 123, 2023 Wisconsin Act 123: LC Act Memo

**12/6/2023** **Assembly Bill 749**
relating to: postelection audits by the Legislative Audit Bureau and providing a penalty.

By Representatives Allen, Murphy, Behnke, Bodden, Brandtjen, Goeben, O'Connor, Rettinger and Wichgers; cosponsored by Senators Tomczyk and Nass.

FINAL STATUS: Passed by committee; companion SB 736 VETOED on 3/21/2024

**12/6/2023** **Assembly Bill 760**
relating to: recommendations from the Ethics Commission regarding campaign finance, lobbying, open records, and closed sessions.

By Representatives Novak, Melotik, Conley, Gundrum, Mursau, Ortiz-Velez, Penterman and Wichgers; cosponsored by Senators Knodl and James.

FINAL STATUS: Passed by committee; companion SB 741 signed into law as Act 120. 2023 Wisconsin Act 120: LC Act Memo

**1/3/2024** **Assembly Bill 892**
relating to: compliance with the federal Electoral Count Reform Act.

By Representatives Maxey, Michalski, O'Connor and Schmidt; cosponsored by Senators Feyen and Quinn.

FINAL STATUS: Passed by committee; companion SB passed by Senate. No further action

**2/1/2024** **Assembly Bill 1037**
relating to: witness address requirements on absentee ballot certificates, curing defects on absentee ballot certificates, and providing a penalty.

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By Representatives Rozar, Krug, Allen, Binsfeld, Bodden, Brandtjen, Dittrich, Goeben, Hurd, Kitchens, Maxey, Melotik, Moses, O'Connor, Penterman, Sortwell and Wichgers; cosponsored by Senators Tomczyk, Bradley, Cabral-Guevara, James and Testin.

FINAL STATUS: Passed by committee; companion SB 966 passed by Senate committee. No further action

**9/29/2023** **Assembly Joint Resolution 76**
relating to: eligibility to vote in Wisconsin (second consideration).

By Representatives August, Gustafson, Dittrich, Allen, Plumer, Hurd, Maxey, O'Connor, Rettinger, Schutt, Armstrong, Magnafici, Nedweski, Bodden, Snyder, Petersen, Rozar, Behnke, Mursau, Penterman, Swearingen, Schraa, Edming, Murphy, Brooks, Binsfeld, Green, Summerfield, Moses, Callahan, Dallman, Schmidt, Goeben, Wittke, Gundrum, Duchow, Melotik, S. Johnson, Brandtjen, Born and Michalski; cosponsored by Senators Bradley, Nass, Wanggaard, Jacque, Stroebel, Ballweg, Jagler, Quinn, Tomczyk, Testin, Marklein, Felzkowski, Stafsholt and Cabral-Guevara.

FINAL STATUS: Passed by both houses, will be on the NOVEMBER 2024 ballot for consideration by the voters. If it passes that referendum vote it will become part of the State Constitution.

**9/29/2023** **Assembly Joint Resolution 77**
relating to: prohibiting state and local governments from using privately sourced moneys or equipment in connection with the conduct of elections and specifying who may perform tasks related to the conduct of an election (second consideration).

By Representatives August, Bodden, Sortwell, Dittrich, Allen, Steffen, Plumer, Hurd, Maxey, O'Connor, Rettinger, Schutt, Armstrong, Magnafici, Michalski, Nedweski, Snyder, Petersen, Rozar, Gundrum, Behnke, Mursau, Penterman, Swearingen, Edming, Murphy, Brooks, Binsfeld, Callahan, Green, Summerfield, Moses, Donovan, Dallman, Schmidt, Goeben, Wittke, Duchow, Melotik, S. Johnson, Brandtjen, Born and Gustafson; cosponsored by Senators Wimberger, Wanggaard, Nass, Stroebel, Feyen, Ballweg, Testin, Marklein, Cowles, Felzkowski, Tomczyk, Stafsholt and Cabral-Guevara.

FINAL STATUS: Passed by both houses, this SJR (containing two questions) was on the APRIL 2024 ballot for consideration by the voters and WAS PASSED and so now it will become part of the State Constitution

**9/29/2023** **Assembly Joint Resolution 78**
relating to: requiring photographic identification to vote in any election (first consideration).

By Representatives Snyder, Gustafson, Allen, Armstrong, August, Binsfeld, Born, Dittrich, Donovan, Duchow, Edming, Goeben, Green, S. Johnson, Kitchens, Krug, Magnafici, Maxey, Michalski, Moses, Nedweski, Neylon, O'Connor, Penterman, Rettinger, Rozar, Schutt, Spiros, Swearingen, Tusler and Brandtjen; cosponsored by Senators Wanggaard, Ballweg, Bradley, Marklein, Nass, Testin and Tomczyk.

FINAL STATUS: Passed by both houses, this language will NOT be on a ballot for consideration by the voters until it is passed again by both houses in the 2025-26

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legislative session. After second consideration, assuming the language is approved by the voters, it will become part of the State Constitution.

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ELECTION TRANSPARENCY INITIATIVE

*Fighting for transparent, secure, and accountable elections all voters can trust.*

**Statement of Hon. Kenneth T. Cuccinelli, II**
Chairman, Election Transparency Initiative
Assembly Committee on Campaigns and Elections
January 30, 2024

Chairman Krug, Vice-Chair Maxey, and members of the committee, thank you for affording me the opportunity to discuss Election Integrity and the Assembly's responsibility to implement such measures in Wisconsin.

I am Ken Cuccinelli and I am the Chairman of the Election Transparency Initiative, where we work every day to help improve the transparency, security, accessibility and accountability of elections in every state, so that every American—regardless of color, creed or party affiliation—has confidence in the outcome of every election. I previously served as the Attorney General of Virginia, the Acting Deputy Secretary of the Department of Homeland Security, a member of the Virginia State Senate, and a private attorney and litigator.

Top of mind for today's hearing is a constitutional amendment which I support, Assembly Joint Resolution 101, to prohibit any elections in your state from being decided by the confusing, complex, and costly system of 'Ranked-Choice Voting' (also known as 'Instant-Runoff Voting' and 'preferential voting').

RCV is a scheme that has made voting more difficult, reduced transparency, and put confidence and certainty at risk when implemented in public elections, with horror stories in Alaska, California, Colorado, Maine, New York, Utah, Virginia and elsewhere. The result is an epidemic of disenfranchised voters whose ballots no longer are counted fairly and equally.

Make no mistake, RCV is intended to dramatically push our politics to the Left, to elevate Left-leaning politicians, and to weaken political parties in order to empower the Left-wing megadonors who are financing a nationwide campaign to promote this dangerous system.

It has come to our attention that Democrat megadonor and former Obama Administration official Katherine is among a group of deep-pocketed individuals currently funneling Left-wing money into Wisconsin, including contributions accepted by conservative groups as well as the campaigns of numerous Republican lawmakers. While recipients may not be familiar with these funding sources, the purpose of such allocations is to ensure Republicans not publicly oppose RCV in lieu of earning their affirmative support.

RCV requires a voter to rank each candidate on the basis of 'least bad' by assigning a numerical designation to the candidate the voter favors most to the candidate the voter favors



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WI-REP-24-1368-B-000053

least. If no candidate receives more than 50 percent of first-choice votes in the first round of voting, the last-place finisher is eliminated, and each ballot cast for that candidate is reallocated to the voter's second-choice candidate. This process continues until one candidate receives a majority of votes.

What happens when a voter does not rank every candidate, and his choices are eliminated? The ballot is deemed 'exhausted' and is thrown out.

For example, Alaska Democrat Mary Peltola won the state's 2022 at-large congressional seat even though nearly 60 percent of voters cast their ballots for a Republican. According to one analysis by the Foundation for Government Accountability, this race also saw nearly 15,000 votes discarded due to 'ballot exhaustion,' of which more than 11,000 were from voters who voted for only one Republican candidate and no one else.

In a 2018 Maine congressional race, then-incumbent GOP Rep. Bruce Poliquin lost to Democrat Jared Golden despite Poliquin winning the most votes in the first round of voting. According to the FGA analysis, more than 8,000 ballots were deemed 'exhausted' and thrown out.

Often, so many ballots are thrown out due to 'ballot exhaustion' that candidates only win a majority of the remaining votes, but not a majority of all votes cast. And here, the most radical elements of the Democrat party stand to benefit most.

"While both major political parties have a history of promoting RCV, it's primarily Democrats who are pushing states and localities to adopt the practice for future elections," *The Federalist* reported. While 74 pro-RCV bills were introduced in state legislatures this past year, as noted by FGA, 57 were sponsored exclusively by Democrats with just eight percent of the total bills receiving bipartisan support. Conversely, 16 of the 17 bills opposing RCV were introduced by Republicans.

The reason Democrats and their allies are intensely pursuing RCV, according to FGA, is that it "is a scheme of the Left to disenfranchise voters and elect more Democrats." *The Federalist* writes that "Democrats use the complexities associated with RCV to diminish confidence in elections among U.S. voters"—ultimately to cement their power by deceptively maneuvering their radicals into elected office by defeating regularly elected lawmakers through backhanded means.

Last November in Colorado, "[t]he city of Boulder, a bastion of progressive politics, hub for Democratic socialism and ivory tower of liberal ideology, almost elected a former Republican as mayor," Axios reported. But "then ranked choice voting came into play."

RCV consolidated the second-place votes from a Democratic Socialists of America-backed third-place challenger behind the incumbent liberal Democrat, who acknowledged that without ranked choice voting, he may no longer be mayor. "Certainly ranked choice is very different from a plurality winner" system, he said.

"Ranked choice voting really made a difference and changed the outcome of our mayor's election," insisted the third-place finisher. "What ranked choice voting allowed us to get was someone who is a more center-left candidate."

It is unsurprising that RCV's proponents would wish to suppress opposition given RCV's poor track record.

A 2023 report published by University of Minnesota's Hubert H. Humphrey School of Public Affairs found that a careful review of RCV "fails to support four of the advocates' promises for improvements over today's system." Additionally, evidence shows "no difference in turnout in cities using RCV compared to those using the current system. They report errors, confusion, and lower turnout due to the greater complexity of RCV and its process of ranking candidates and tabulating multiple rounds of voting."

Last April, the Alaska Supreme Court ruled that an independent candidate for U.S. House was improperly removed from the state's confusing special election ballot in 2022. The candidate withdrew from the race after finishing third among 48 candidates in the ranked-choice special primary election that year. The Democrat candidate, who finished fourth, went on to win both the ranked-choice special election in August and the ranked-choice regular general election in November, which under the law should have been a four-person field.

RCV is being advanced by the radical Left, yet the practice is even opposed by Left-leaning organizations such as the National Association for the Advancement of Colored People which recognize its existential threat to voters.

"Ranked choice voting is not beneficial to minorities. It's voter suppression," said Hazel Dukes, president of the NAACP New York State chapter. "I hope that the courts see that ranked choice voting is not right for democracy."

The Democrat stronghold of Arlington, Virginia hit brakes on RCV last summer after being the first municipality in the state to use it during the June primary. "...[T]he County Board opted not to implement ranked-choice voting in its general elections for board seats in November, pointing to confusion about the process," it was reported.

With regard to Viginia, I would like to touch on the inaccurate claim put forward by RCV proponents that Governor Glenn Youngkin would not have sealed his nomination over the Republican gubernatorial field had it not been for the party's use of a multi-round, ranked tabulation system at their 2021 convention. As an activist in that contest, I know firsthand that this system did not change the outcome for governor, lieutenant governor, or attorney general. In fact, Youngkin won every round of balloting and would have won under a plurality rule nevertheless, but the ranking of candidates did induce confusion for both voters and candidates that ultimately required more time and teams of experts supervising the process to sort out the results.

Although I do not support RCV use at any level of public or political party elections, the prerogative of parties as private entities does not equate to that of public elections for federal, state, and local elections which must be transparent, accountable, and deliver clear results at all costs. There is a fundamental difference between relatively small, intra-party

elections and public elections involving millions of statewide voters. Last year, Republican committees representing some of Virginia's most populous counties passed resolutions officially opposing RCV use, including in Fairfax and Loudoun counties.

But let us also consider the Democrat Party in Washington, D.C., which rejected RCV implementation in 2023 asserting that it would disenfranchise voters and end partisan primaries "that could undermine the rights of registered Democrats to choose their nominees for public office."

"We firmly believe that every voter, regardless of party affiliation or independent status, should have the right to freely choose their preferred candidate," the party's statement said. "The current electoral system in the District ensures that no one is disenfranchised, providing ample choices for voters to engage with the political process and participate in the general election," officials added.

In fact, D.C. Democrats subsequently sued to keep RCV off the ballot, arguing that the measure violates the U.S. Constitution and the Home Rule charter, discriminates against minority voters, and "has caused and will cause ongoing harm to Plaintiffs and other residents…"

"Allowing 80,000 non-affiliated voters to participate in partisan elections would undermine the intent of the Charter and dilute the votes of party members who seek to nominate party candidates to stand in subsequent general elections," the suit reads.

I would emphasize that in a 2023 resolution the Republican National Committee formally rejected RCV implementation "and similar schemes that increase election distrust, and voter suppression and disenfranchisement, eliminate the historic political party system, and put elections in the hands of expensive election schemes that cost taxpayers and depend exclusively on confusing technology and unelected bureaucrats to manage it."

The RNC added that it "calls on Congress, state legislatures, and voters to oppose ranked choice voting in every locality and level of government and return elections to easier systems that have worked for centuries for fair and transparent elections."

Now more than ever we need to protect the right to vote in free and fair elections voters can trust, but the disastrous RCV scheme does precisely the opposite.

RCV is an Election Integrity wrecking ball, is never workable and should always be prohibited. Several states have already acted to ban the practice, and I urge you to carefully assess this information as you continue consideration of AJR 101. I would also like to commend Representative Bodden for introducing this critical amendment.

In December the Election Transparency Initiative led a coalition of a dozen grassroots and public policy organizations—all with concerned members from Wisconsin—in a letter to this committee voicing our shared concerns with RCV. The letter was also addressed to members of Assembly and Senate leadership.

I am available to answer any questions regarding these important issues at your convenience. Provided here is a comprehensive list of RCV horror stories. Please visit StopRCV.com to learn more or view our fact sheet.

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###



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**Wisconsin Department of Transportation**
www.wisconsindot.gov

Tony Evers
Governor

Craig Thompson
Secretary

Division of Motor Vehicles
4822 Madison Yards Way
Madison, WI 53707-7911

DMV2 1/2017

March 27, 2024

Jefferson E. Davis
Spokesman
Election Integrity for Wisconsin Ad-Hoc Committee
Full Forensic Physical and Cyber Audit (FFPCA)

**Re: Open Records Request**

Dear Jefferson E. Davis:

This letter is in response to your open records request of March 27, 2024. The request states:

*Specifically speaking, we are asking for the following data so we can give it to the Administrator of Elections as soon as possible per her public request from the March 26th meeting in West Bend:*

- *January 1, 2019, through December 31, 2019, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*
- *January 1, 2020, through December 31, 2020, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*
- *January 1, 2021, through December 31, 2021, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*
- *January 1, 2022, through December 31, 2022, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*
- *January 1, 2023, through December 31, 2023, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*
- *January 1, 2024, through March 15, 2024, list and or data file of those individuals who have received a Wisconsin Driver's License to simply include the individual's name, address and County of origin for the Driver's License.*

*We will gladly pay for these data files. Please let us know at your earliest convenience that you have received this Open Record Request, when we can anticipate receiving these files, how we can receive this data files and what, if any, costs there will be associated with this request. We will immediately wire you the funds or mail a check to cover any costs.*

WisDOT does not have responsive records for this request. The Department is not required to create a new record which does not already exist, compile existing information in a new format, or obtain a record from another agency. Wis. Stat, sec 19.35 (1)(L)

The Department is required to provide only documents in existence at the time of a request. A continuing request for records that may be obtained, updated or created by DOT in the future is unreasonable and may be denied. 73 Op. Atty. Gen. 37,44 (1984)

Sincerely,

Emily Woelfel
Supervisor
Driver Eligibility Unit

AMERICAN OVERSIGHT

Division of Motor Vehicles DMV wisconsindmv.gov

**Wisconsin Department of Transportation**
www.wisconsindot.gov

Tony Evers
Governor

Craig Thompson
Secretary

Division of Motor Vehicles
4822 Madison Yards Way
Madison, WI 53707-7911

DMV2 1/2017

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Sincerely,

Emily Woelfel
Supervisor
Driver Eligibility Unit

AMERICAN OVERSIGHT

Division of Motor Vehicles DMV wisconsindmv.gov

5:23 96%

# FW: Re: ID Card/Free ID for voting

Inbox

**DOT DMV...** 4:47 PM

to me

Hello Damone Enriquez,

Voter registration requirements and voter eligibility are handled by the Wisconsin Election Commission, not the DMV. In Wisconsin you need to be a U.S. citizen to be eligible to vote. The DMV's fraud department verifies the validity of every individual who goes through the ID Petition Process. If you have additional questions regarding voting eligibility requirements, please contact the Wisconsin Election Commission. Phone 608-266-8005 or email elections@wi.gov.

Thank you,

Akshaya CM300

DMV Communication Center

86

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WI-REP-24-1368-B-000065

5:23 96%

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DMV Communication Center

86

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WI-REP-24-1368-B-000066

# Free ID & Identification Card Petition Process (IDPP)



## No Birth Certificate?

## No problem!

## Ask us how!

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**Call us at** (844) 588-1069
**or visit** wisconsindmv.gov
bringit.wi.gov

## Getting a free ID for voting is easy

1) Visit your local DMV office
We'll help. To find a DMV, call us
(844) 588-1069

2) Bring the following, if available:
- Proof of name and date of birth
(such as a Birth Certificate)
- Proof of identity
(Social Security Card,
Medicaid/Medicare card, etc.)
- Wisconsin residency
(Utility Bill, Government Mail, Lease, etc.)
- Proof of U.S. citizenship
(U.S. Birth certificate or Citizenship paperwork)
- Social Security Number

3) If you don't have all or any of these...
you can still get an ID for voting. Just bring what you have to the DMV, fill out two forms, **and you will get a photo ID document in the mail that you can use in time for voting.**

Questions? (844) 588-1069
wisconsindmv.gov
bringit.wi.gov

WI-REP-24-1368-B-000067

# Free ID & Identification Card Petition Process (IDPP)



## No Birth Certificate?

## No problem!

## Ask us how!

AMERICAN OVERSIGHT

**Call us at** (844) 588-1069
**or visit** wisconsindmv.gov
bringit.wi.gov

## Getting a free ID for voting is easy

1) Visit your local DMV office
We'll help. To find a DMV, call us
(844) 588-1069

2) Bring the following, if available:
- Proof of name and date of birth
(such as a Birth Certificate)
- Proof of identity
(Social Security Card,
Medicaid/Medicare card, etc.)
- Wisconsin residency
(Utility Bill, Government Mail, Lease, etc.)
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(U.S. Birth certificate or Citizenship paperwork)
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3) If you don't have all or any of these...
you can still get an ID for voting. Just bring what you have to the DMV, fill out two forms, **and you will get a photo ID document in the mail that you can use in time for voting.**

Questions? (844) 588-1069
wisconsindmv.gov
bringit.wi.gov

WI-REP-24-1368-B-000068

# WISCONSIN IDENTIFICATION CARD (ID) APPLICATION

Wisconsin Department of Transportation
MV3004 1/2019 Ch. 343 Wis. Stats.

**Wisconsin ID cards used for voting are FREE.** Check the box ☑ **ID for FREE** on the back.

An unexpired Wisconsin driver license is acceptable photo ID for voting. (s. 5.02(6m) Wis. Stats.)
You cannot hold both a driver license and Wisconsin ID card at the same time. (s. 343.50(1)(b) Wis. Stats.)

## To get started:

- Complete this application form MV3004.
  If you have a Social Security number, you must provide it. (s. 343.14(2)(bm) Wis. Stats.)
- If you are NOT a U.S. citizen, present proof of legal presence every time you apply.

## To get your first (original) Wisconsin ID card:

**SURRENDER**

- Your current unexpired Wisconsin driver license

***OR***

**PRESENT ACCEPTABLE PROOF* OF**

- Name and date of birth
- Legal presence
- Identity
- Wisconsin residency
- Name change *(if applicable)*

**NOTE:** If your documents proving U.S. citizenship, name and date of birth, or legal name change are unavailable, and you are applying for an ID card for the first time and it is for voting purposes, you may use the document verification petition process by completing both this application form MV3004 and form MV3012 *DMV Administrator Petition – Unavailable Documentation*.

## To get a REAL ID-compliant ID card:

**SURRENDER**

- Your REAL ID-compliant Wisconsin driver license

***OR***

**PRESENT**

- All of the documents above
- Acceptable proof* of Social Security number

## To renew your ID card or get a replacement (duplicate):

- Present acceptable proof* of identity (a previously issued Wisconsin ID or driver license is sufficient).

**SOCIAL SECURITY NUMBER (SSN)** If you have an SSN, you must provide it. (s. 343.14(2)(bm) Wis. Stats.) Your SSN may be used for purposes authorized by law and to link your driver and vehicle registration records. Your SSN must correspond with the number issued by the Social Security Administration.

**NOTICE TO MALES AGE 18–25** By submitting this application, you consent to be registered with the Selective Service System, if required by Federal law. You also authorize WisDOT to forward any information contained in this application that is requested by the Selective Service System for the purpose of registering you as provided in s. 343.14(2)(em) and s. 343.234 Wis. Stats.

**ADA** WisDOT complies with the Americans with Disabilities Act (ADA)

**WARNING** Any applicant for a Wisconsin Identification Card who presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than $1,000, imprisonment for not more than 6 months or both and cancellation of fraudulently obtained Wisconsin Identification Card. (s. 343.14(5) Wis. Stats.)

**RELEASE OF INFORMATION** Wisconsin Identification Card information may only be shared with courts, district attorneys, county corporation counsel, city, village or town attorney, law enforcement, the applicant or the applicant's parent or legal guardian if the person is under age 18.

**INVISIBLE DISABILITY** notice to law enforcement form: wisconsindmv.gov/inv-dis or at DMV Service Centers.

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*** ACCEPTABLE PROOF** DMV publishes a list of acceptable documents. Ask for *Acceptable Documents for a Wisconsin Driver License or ID Card application* (publication BDS316) at your local DMV service center or look for it online at: **wisconsindmv.gov/dl-docs**.

# WISCONSIN IDENTIFICATION CARD (ID) APPLICATION *(continued)*

Wisconsin Department of Transportation MV3004 1/2019

## All ID cards used for voting are FREE

Check the box ☑ **ID for FREE**

Clear Form | Print

### APPLICANT – PLEASE PRINT

| Applicant Name – First, Middle, Last | Birth Date (M M – D D – Y Y Y Y) | Social Security Number (1 2 3 – 4 5 – 6 7 8 9) |
|---|---|---|
| | | |

| Residence Address – Street | Apt # | City | State | ZIP Code | County of Residence |
|---|---|---|---|---|---|
| | | | | | |

| Mailing Address – ONLY IF DIFFERENT from Residence | Apt # | City | State | ZIP Code |
|---|---|---|---|---|
| | | | | |

| Sex | Race | Eyes | Hair | Weight | Height |
|---|---|---|---|---|---|
| | | | | | |

| Former Name (if changed since last license or ID card) | Reason for Name Change |
|---|---|
| | Marriage ☐ Divorce ☐ Other ☐ List: _____ |

1. Do you wish to register to be an organ, tissue and eye donor? YES ☐
2. **OPT OUT –** Do you wish to have your name and address withheld from lists WisDOT sells? YES ☐
3. Do you hold a valid driver license/identification card FROM ANOTHER STATE/COUNTRY? YES ☐ NO ☐
   If yes, list: _____
4. **ID for FREE –** I certify that I am a U.S. citizen, will be at least 18 years of age by the next election and require a Wisconsin ID for free to vote. YES ☐
5. **Check ONLY ONE** of the following three boxes. I certify that I am a:
   - ☐ U.S. Citizen
   - ☐ Permanent or Conditional Permanent Resident
   - ☐ Temporary Visitor
6. I am a veteran registered with WDVA and wish to have my veteran status indicated on my ID Card. *(DMV is required to verify your status with WDVA)* YES ☐
7. Will you donate $2 to organ, tissue and eye donation efforts? YES ☐

I understand that I must surrender for cancellation any driver license or identification card previously issued by another state before I may be issued a driver license or identification card in the State of Wisconsin. The State of Wisconsin will notify the other state that my driver license or identification card is surrendered and cancelled, and that I have been issued a Wisconsin license or identification card. (ss. 343.11(1) and (2), and 343.50(1)(b) Wis. Stats.) I certify that the information on this application is true under penalty of perjury and I am a resident of Wisconsin. (s. 343.14(5) Wis. Stats.)

X _____
(Applicant Signature) (Date - mm/dd/yyyy)

**DONOR** Check the box if you wish to help others by donating your organs, tissue and eyes upon your death. Your gift will be used to save and improve lives through transplantation, research or education. If you are at least 18, checking the box indicates your legal consent for donation. You do not have to answer this question to obtain an ID card.

**OPT OUT** Under Wisconsin open records laws, WisDOT must provide information from its records to requesters. If you do not want your name and address included in requests we receive for ten or more records, you may ask WisDOT to withhold your name and address from those lists by checking the box on the application.

**FOR MORE INFORMATION VISIT: wisconsindmv.gov**

| OFFICE USE ONLY ☐ REAL ID | Application Type ☐ ORG ☐ RNW ☐ DUP ☐ REI ☐ RSM |
|---|---|
| Date / Processor ID | Payment ☐ Check ☐ Cash ☐ CC ☐ Acct. / Amount $ |
| Wisconsin or Out-of-State License Number / State / Expiration Date | X (Processor Signature) (Date) |

AMERICAN OVERSIGHT

# WISCONSIN IDENTIFICATION CARD (ID) APPLICATION

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MV3004 1/2019 Ch. 343 Wis. Stats.

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  If you have a Social Security number, you must provide it. (s. 343.14(2)(bm) Wis. Stats.)
- If you are NOT a U.S. citizen, present proof of legal presence every time you apply.

## To get your first (original) Wisconsin ID card:

**SURRENDER**

- Your current unexpired Wisconsin driver license

***OR***

**PRESENT ACCEPTABLE PROOF* OF**

- Name and date of birth
- Legal presence
- Identity
- Wisconsin residency
- Name change *(if applicable)*

**NOTE:** If your documents proving U.S. citizenship, name and date of birth, or legal name change are unavailable, and you are applying for an ID card for the first time and it is for voting purposes, you may use the document verification petition process by completing both this application form MV3004 and form MV3012 *DMV Administrator Petition – Unavailable Documentation*.

## To get a REAL ID-compliant ID card:

**SURRENDER**

- Your REAL ID-compliant Wisconsin driver license

***OR***

**PRESENT**

- All of the documents above
- Acceptable proof* of Social Security number

## To renew your ID card or get a replacement (duplicate):

- Present acceptable proof* of identity (a previously issued Wisconsin ID or driver license is sufficient).

**SOCIAL SECURITY NUMBER (SSN)** If you have an SSN, you must provide it. (s. 343.14(2)(bm) Wis. Stats.) Your SSN may be used for purposes authorized by law and to link your driver and vehicle registration records. Your SSN must correspond with the number issued by the Social Security Administration.

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# WISCONSIN IDENTIFICATION CARD (ID) APPLICATION *(continued)*

Wisconsin Department of Transportation MV3004 1/2019

## All ID cards used for voting are FREE

Check the box ☑ **ID for FREE**

Clear Form Print

### APPLICANT – PLEASE PRINT

| Applicant Name – First, Middle, Last | Birth Date (M M – D D – Y Y Y Y) | Social Security Number (1 2 3 – 4 5 – 6 7 8 9) |
|---|---|---|
| | | |

| Residence Address – Street | Apt # | City | State | ZIP Code | County of Residence |
|---|---|---|---|---|---|
| | | | | | |

| Mailing Address – ONLY IF DIFFERENT from Residence | Apt # | City | State | ZIP Code |
|---|---|---|---|---|
| | | | | |

| Sex | Race | Eyes | Hair | Weight | Height |
|---|---|---|---|---|---|
| | | | | | |

| Former Name (if changed since last license or ID card) | Reason for Name Change |
|---|---|
| | Marriage ☐ Divorce ☐ Other ☐ List: _____ |

1. Do you wish to register to be an organ, tissue and eye donor? YES ☐
2. **OPT OUT –** Do you wish to have your name and address withheld from lists WisDOT sells? YES ☐
3. Do you hold a valid driver license/identification card FROM ANOTHER STATE/COUNTRY? YES ☐ NO ☐
   If yes, list: _____
4. **ID for FREE –** I certify that I am a U.S. citizen, will be at least 18 years of age by the next election and require a Wisconsin ID for free to vote. YES ☐
5. **Check ONLY ONE** of the following three boxes. I certify that I am a:
   - ☐ U.S. Citizen
   - ☐ Permanent or Conditional Permanent Resident
   - ☐ Temporary Visitor
6. I am a veteran registered with WDVA and wish to have my veteran status indicated on my ID Card. *(DMV is required to verify your status with WDVA)* YES ☐
7. Will you donate $2 to organ, tissue and eye donation efforts? YES ☐

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X _____
(Applicant Signature) (Date - mm/dd/yyyy)

**DONOR** Check the box if you wish to help others by donating your organs, tissue and eyes upon your death. Your gift will be used to save and improve lives through transplantation, research or education. If you are at least 18, checking the box indicates your legal consent for donation. You do not have to answer this question to obtain an ID card.

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**FOR MORE INFORMATION VISIT: wisconsindmv.gov**

| OFFICE USE ONLY ☐ REAL ID | Application Type ☐ ORG ☐ RNW ☐ DUP ☐ REI ☐ RSM |
|---|---|
| Date / Processor ID | Payment ☐ Check ☐ Cash ☐ CC ☐ Acct. / Amount $ |
| Wisconsin or Out-of-State License Number / State / Expiration Date | X (Processor Signature) (Date) |

AMERICAN OVERSIGHT

# DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

## Testimony on SB 98 and AB 93

*October 24, 2023*

Thank you Chairman Krug and committee members for holding today's public hearing on Senate Bill 98 and Assembly Bill 93, a bill I brought forward earlier this session with then-Representative Knodl to attempt to address an election integrity issue that had been brought to our attention during the previous biennium by a municipal clerk in Ozaukee County. This legislation is effectively a reintroduction of 2021 SB 938, with certain modifications.

In short, there have been multiple instances in recent years in which a non-citizen (e.g., a green card holder) had either attempted to register to vote or was able to successfully register to vote and cast a ballot using a valid, state-issued driver's license or ID card.[1] The citizenship status of an individual is not easily discernible on the driver's licenses and ID cards issued to non-citizens by the Wisconsin Department of Transportation. The bill would require DOT to place a readily recognizable indication on a driver's license or ID card issued to a non-citizen noting that the license or card is not valid for voting purposes.

While last session's version of this legislation would have required the Wisconsin Elections Commission (WEC) to use the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Database, this provision was not included in SB 98 and AB 93 in response to the concerns that had been raised regarding implementation costs and the potential shortcomings associated with using the SAVE Database for confirming citizenship status. SB 98 and AB 93 would instead require DOT's Division of Motor Vehicles (DMV) to include its existing data on the citizenship status of licensees in the recurring cross-checks between the DMV's databases and the statewide voter registration system. WEC would also be required to verify citizenship status using this information whenever an individual registers to vote or modifies his or her registration.

Only U.S. citizens who are 18 years of age or older who have resided in an election district or ward for at least 28 consecutive days before an election are deemed eligible electors under current law.[2] Falsely procuring registration or casting a vote without meeting elector qualifications constitutes election fraud and carries the penalty of a Class I felony (punishable by up to a $10,000 fine or up to 3 ½ years in prison, or both).[3-4]

SB 98 and AB 93 amounts to a straightforward bill that would put appropriate safeguards in place to ensure that only eligible voters are able to register to vote and cast a ballot in Wisconsin. Thank you for your consideration.

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[1] For example, see the Wisconsin Elections Commission's 2023 Report of Suspected Election Fraud, Irregularities or Violations (Page 4, Line 14).

[2] s. 6.02 (1), Stats.

[3] s. 12.13 (1)(a) and (b), Stats.

[4] s. 12.60 (1)(a), Stats.

AMERICAN OVERSIGHT

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**District:** (262) 343-2764

WISCONSIN STATE SENATE
DAN KNODL
STATE SENATOR • 8TH DISTRICT

**Senate Bill 98**

Public Testimony
Senate Committee on Shared Revenue, Elections, and Consumer Protection
Assembly Committee on Campaign and Elections

October 24, 2023

Thank you, members of the Senate Committee on Shared Revenue, Elections, and Consumer Protection as Assembly Committee on Campaign and Elections for being here today to hold this hearing on Senate Bill 98 and Assembly Bill 93.

My predecessor, Senator Alberta Darling, and I first introduced this bill last session in response to concerns shared with us in November 2021 by a city clerk in our district. The clerk informed us that she witnessed a non-citizen attempting to vote during in-person absentee voting using a valid driver's license. Fortunately, the individual was forthcoming that they were not a citizen. The individual was notified that non-citizens are ineligible to vote and promptly left the polling location. Had this individual been dishonest, the clerk informs us that she would have registered the person and handed them an absentee ballot.

Further incidents have emerged since then. Just this month, another incident emerged in the same jurisdiction in which a non-citizen cast a ballot in a school board election. This individual checked all of the boxes at the top of the voter registration application, including the one asking if she was a citizen of the United States, and was able to register with a proof of residence and a state-issued driver's license.

Non-citizen residents are able to receive state-issued driver's licenses that are indistinguishable except for a shortened expiration date. There is a common misconception that citizenship status is apparent on these driver's licenses. That is because states have been implementing the provisions under the REAL ID Act of 2005 for several years, and these provisions tighten security requirements for the use of driver's licenses for airport security and entering federal buildings. It is important to note that this does not apply to voting.

To that end, this bill simply requires DOT to include a notation on new identification cards issued to non-citizens that the card is not valid for voting purposes. This determination will be based on data the DOT already has, and it will make every poll worker's Election Day a little easier and more secure. It requires no extra effort on the part of the voter.

The bill also requires the Elections Commission to enter into an agreement with the Secretary of Transportation to run queries between the official voter registration list and the citizenship data held by the Department of Transportation. Ensuring compliance with our

AMERICAN OVERSIGHT

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WI-REP-24-1368-B-000074

election laws is fundamental to the commission's mission, and this bill will provide both assurances of compliance as well as a deterrence for any possible fraud.

The type of fraud this bill addresses carries a penalty of a Class I felony. Fraudulent voting is a serious crime in Wisconsin, as it should be. We owe it to our state's voters to have robust procedures in place to root out all fraudulent voting.

Last session's bill, Senate Bill 938, also required the commission to utilize the Department of Homeland Security's Systematic Alien Verification for Entitlements, or SAVE, database to provide an additional level of redundancy to the verification checks. The cost of implementing this provision, as well as concerns related to the completeness of the data held by DHS, led to us removing this provision.

Last session, more than one Democratic member acknowledged in committee and on the Assembly floor that this bill was drafted in response to concerns resulting from concrete evidence. With the objections around the SAVE database addressed in this re-introduction, I am hopeful that we can achieve bipartisan support to establish this important safeguard.

Thank you for your time and attention to this matter, and I would be happy to take any questions.

AMERICAN OVERSIGHT

October 23, 2023
Regarding AB 93/SB 98

Senators and Assemblymen,

The City of Mequon has had four encounters with non-US Citizens attempting to vote, or actually voting in elections in the past 1.5 years. Three have been referred to the District Attorney's Office for prosecution and one was discovered prior to voting. We as election administers at the local and state level have the tools to prevent this type of election fraud but need statutes to require the Wisconsin Election Commission and the Department of Transportation to incorporate the procedures into their processes. It is the duty of every US citizen to protect dilution of their votes by non-US citizens.

A Special School Board Recall Election occurred on November 5, 2021, in the City of Mequon. During our in-person absentee voting, a woman produced her driver's license for registration and photo ID for voting purposes. She stated that she was not a US citizen but wanted to vote. I explained that she was not eligible. She understood and promptly left the polling location, however, had she not been forthcoming of her status I would have registered her to vote and given her an absentee ballot due to her driver's license having no indication that she was not a US citizen. This shocked me and made me wonder why is the State issuing driver's licenses to non-US citizens that are indistinguishable from US citizens?

My second, third and fourth encounters included residents that actually voted on election day. Three residents at three separate polling sites over two elections registered to vote and voted on election day who were **not** US citizens. The poll workers registered them because their driver's licenses were indistinguishable from a citizen's license. There was no wrong-doing or negligence on the part of the poll workers. The voters were all promptly reported to our local police department who conducted an investigation and forwarded the cases to the District Attorney's Office. One has been convicted of a felony, the other two cases are pending.

On the technical side, Wisvote conducts a nightly verification with the DMV to ensure that the driver's license information election officials input while entering new voter registrations, matches the driver's license number, name, and date of birth the DMV has on file. Those records that do not match in some fashion are returned to the municipality to determine the proper action (whether it was a typo, etc.). The DMV has data as to citizenship of each licensee, so they have the systems in place to check citizenship today. The Wisconsin Election Commission can be required to add this function and check citizenship along with name, date of birth and driver's license number. This would not however, help on election day when voters register at the polls, so that is why we also need an indication on their driver's license to specify citizen status.

It is unfortunate that this has been going on for years with likely hundreds of non-US citizens on our over rolls. Thank you for your consideration of this bill.

Sincerely,



Caroline Fochs
City Clerk
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092, 262-236-2912

AMERICAN OVERSIGHT

# DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

## Testimony on SB 98 and AB 93

*October 24, 2023*

Thank you Chairman Krug and committee members for holding today's public hearing on Senate Bill 98 and Assembly Bill 93, a bill I brought forward earlier this session with then-Representative Knodl to attempt to address an election integrity issue that had been brought to our attention during the previous biennium by a municipal clerk in Ozaukee County. This legislation is effectively a reintroduction of 2021 SB 938, with certain modifications.

In short, there have been multiple instances in recent years in which a non-citizen (e.g., a green card holder) had either attempted to register to vote or was able to successfully register to vote and cast a ballot using a valid, state-issued driver's license or ID card.[1] The citizenship status of an individual is not easily discernible on the driver's licenses and ID cards issued to non-citizens by the Wisconsin Department of Transportation. The bill would require DOT to place a readily recognizable indication on a driver's license or ID card issued to a non-citizen noting that the license or card is not valid for voting purposes.

While last session's version of this legislation would have required the Wisconsin Elections Commission (WEC) to use the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Database, this provision was not included in SB 98 and AB 93 in response to the concerns that had been raised regarding implementation costs and the potential shortcomings associated with using the SAVE Database for confirming citizenship status. SB 98 and AB 93 would instead require DOT's Division of Motor Vehicles (DMV) to include its existing data on the citizenship status of licensees in the recurring cross-checks between the DMV's databases and the statewide voter registration system. WEC would also be required to verify citizenship status using this information whenever an individual registers to vote or modifies his or her registration.

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SB 98 and AB 93 amounts to a straightforward bill that would put appropriate safeguards in place to ensure that only eligible voters are able to register to vote and cast a ballot in Wisconsin. Thank you for your consideration.

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**District:** (262) 343-2764

WISCONSIN STATE SENATE
DAN KNODL
STATE SENATOR • 8TH DISTRICT

**Senate Bill 98**

Public Testimony
Senate Committee on Shared Revenue, Elections, and Consumer Protection
Assembly Committee on Campaign and Elections

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Further incidents have emerged since then. Just this month, another incident emerged in the same jurisdiction in which a non-citizen cast a ballot in a school board election. This individual checked all of the boxes at the top of the voter registration application, including the one asking if she was a citizen of the United States, and was able to register with a proof of residence and a state-issued driver's license.

Non-citizen residents are able to receive state-issued driver's licenses that are indistinguishable except for a shortened expiration date. There is a common misconception that citizenship status is apparent on these driver's licenses. That is because states have been implementing the provisions under the REAL ID Act of 2005 for several years, and these provisions tighten security requirements for the use of driver's licenses for airport security and entering federal buildings. It is important to note that this does not apply to voting.

To that end, this bill simply requires DOT to include a notation on new identification cards issued to non-citizens that the card is not valid for voting purposes. This determination will be based on data the DOT already has, and it will make every poll worker's Election Day a little easier and more secure. It requires no extra effort on the part of the voter.

The bill also requires the Elections Commission to enter into an agreement with the Secretary of Transportation to run queries between the official voter registration list and the citizenship data held by the Department of Transportation. Ensuring compliance with our

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WI-REP-24-1368-B-000078

election laws is fundamental to the commission's mission, and this bill will provide both assurances of compliance as well as a deterrence for any possible fraud.

The type of fraud this bill addresses carries a penalty of a Class I felony. Fraudulent voting is a serious crime in Wisconsin, as it should be. We owe it to our state's voters to have robust procedures in place to root out all fraudulent voting.

Last session's bill, Senate Bill 938, also required the commission to utilize the Department of Homeland Security's Systematic Alien Verification for Entitlements, or SAVE, database to provide an additional level of redundancy to the verification checks. The cost of implementing this provision, as well as concerns related to the completeness of the data held by DHS, led to us removing this provision.

Last session, more than one Democratic member acknowledged in committee and on the Assembly floor that this bill was drafted in response to concerns resulting from concrete evidence. With the objections around the SAVE database addressed in this re-introduction, I am hopeful that we can achieve bipartisan support to establish this important safeguard.

Thank you for your time and attention to this matter, and I would be happy to take any questions.

AMERICAN OVERSIGHT

October 23, 2023
Regarding AB 93/SB 98

Senators and Assemblymen,

The City of Mequon has had four encounters with non-US Citizens attempting to vote, or actually voting in elections in the past 1.5 years. Three have been referred to the District Attorney's Office for prosecution and one was discovered prior to voting. We as election administers at the local and state level have the tools to prevent this type of election fraud but need statutes to require the Wisconsin Election Commission and the Department of Transportation to incorporate the procedures into their processes. It is the duty of every US citizen to protect dilution of their votes by non-US citizens.

A Special School Board Recall Election occurred on November 5, 2021, in the City of Mequon. During our in-person absentee voting, a woman produced her driver's license for registration and photo ID for voting purposes. She stated that she was not a US citizen but wanted to vote. I explained that she was not eligible. She understood and promptly left the polling location, however, had she not been forthcoming of her status I would have registered her to vote and given her an absentee ballot due to her driver's license having no indication that she was not a US citizen. This shocked me and made me wonder why is the State issuing driver's licenses to non-US citizens that are indistinguishable from US citizens?

My second, third and fourth encounters included residents that actually voted on election day. Three residents at three separate polling sites over two elections registered to vote and voted on election day who were **not** US citizens. The poll workers registered them because their driver's licenses were indistinguishable from a citizen's license. There was no wrong-doing or negligence on the part of the poll workers. The voters were all promptly reported to our local police department who conducted an investigation and forwarded the cases to the District Attorney's Office. One has been convicted of a felony, the other two cases are pending.

On the technical side, Wisvote conducts a nightly verification with the DMV to ensure that the driver's license information election officials input while entering new voter registrations, matches the driver's license number, name, and date of birth the DMV has on file. Those records that do not match in some fashion are returned to the municipality to determine the proper action (whether it was a typo, etc.). The DMV has data as to citizenship of each licensee, so they have the systems in place to check citizenship today. The Wisconsin Election Commission can be required to add this function and check citizenship along with name, date of birth and driver's license number. This would not however, help on election day when voters register at the polls, so that is why we also need an indication on their driver's license to specify citizen status.

It is unfortunate that this has been going on for years with likely hundreds of non-US citizens on our over rolls. Thank you for your consideration of this bill.

Sincerely,



Caroline Fochs
City Clerk
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092, 262-236-2912

AMERICAN OVERSIGHT

- Also, are there annual data summaries for the number of driver's license issued to non-US citizens by the DMV? (State ID Card & Driving in Wisconsin // Office of International Education // Marquette University). It is our understanding that the DMV is required to submit this data to WEC as part of the joint agreement so Clerks know that these individuals cannot participate in our elections. If so, where we can get this information between January 1, 2019, to present? If this falls under the Open Records Request consideration, then please accept this question as an Open Records Request for this information.
    - WisDOT has issued 41,090 ID cards and 258,356 DL cards to non-US Citizens since 1/1/2019

**Subject:** DMV Data for Voter ID Cards and Drivers License Issued to Non-US Citizens for Driving Purposes Only
**Date:** 12/15/2023 3:35:03 PM
**From:** "Jefferson" <davisforpresident@protonmail.com>
**To:** "DOT DMV Driver Regulation Eligibility" <[redacted]dmv@dot.wi.gov>
**Cc:**

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi E[redacted]:

Thank you for all of your help with the questions we will be posing to you and your Staff. Your information will be very helpful and informative.

Please let me know how we can obtain the data for the following matters from WEC or the DMV:

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AMERICAN OVERSIGHT

# DMV ADMINISTRATOR PETITION – UNAVAILABLE DOCUMENTATION

Wisconsin Department of Transportation
MV3012 6/2021

Use of this form is authorized, pursuant to Wisconsin Administrative Code § Trans 102.15(5m), for a photo identification card for voting purposes that complies with 2011 Wisconsin Act 23, s. 343.50(5)(a)3., and any other applicable requirements.

*"Unavailable" may include items that persons have forgotten to bring with them when applying for an identification card.*

This process is available for applicants unable to provide proof of name and date of birth or United States citizenship.

**A. To facilitate the document search process for United States-born citizens, please provide the following:**
*Please be advised that complete birth record information improves the search process with Vital Records.*

| Birth Name – First<br>Wis. Ad | Middle | Last *(as it appears on the birth certificate)* |
|---|---|---|
| Sex<br>☐ Male ☐ Female | Birth Date (mm/dd/yyyy) | Place of Birth *(State/Jurisdiction/Territory)* |
| Place of Birth – County or Equivalent *(Parish – LA, Borough – AK)* | | Place of Birth *(City, Village or Township)* |
| Parent's Birth Name – First | Middle | Last (as it appears on the birth certificate/Maiden name – if applicable) |
| Parent's Birth Name – First | Middle | Last (as it appears on the birth certificate/Maiden name – if applicable) |
| Is your current name different than that on your birth record<br>☐ Yes ☐ No If Yes, What is Your Current Legal Name: | | |

**B. For United States citizens, not born in the United States, who do not have the appropriate documents available, please provide the following United States Customs and Immigration Service (USCIS) identifiers. This information will be used to verify citizenship status with the Department of Homeland Security.**

| Alien/USCIS Number<br>Certific | Citizenship Certificate Number |
|---|---|

**C. All Applicants: Contact Information**

| Email Address | (Area Code) Telephone Number |
|---|---|

*Wisconsin DMV or Vital Records may contact you for any follow-up information which may be necessary to complete the verification process.*

The information that I have provided on this petition application is true under penalty of perjury and I am a resident of Wisconsin. (s. 343.14(5) Wis. Stats.)

**X** _____ _____
(Signature of Applicant) (Date Signed – m/d/yyyy)

| — DMV Office Use Only — | | |
|---|---|---|
| Envelope Number<br>All Wisc | DID | Photo Number |

| — DHS Use Only — | | |
|---|---|---|
| Vital Records Search<br>☐ Verified ☐ Not Verified | Date (m/d/yyyy) | Processor ID |

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AMERICAN OVERSIGHT



## Free ID for Voting

Get an ID free for voting even if you do not have the documentation to get a regular Wisconsin ID.

US Citizens can get an ID free for voting….

# Wisconsin ID card for voting purposes - petition process (IDPP)

- How to apply
- Motorcycle
- Documentation requirements
- Lost or stolen
- Impaired driving (OWI)
- Suspended or revoked
- Occupational license
- New residents
- Driver license/ID cards
- Commercial license
- Teen drivers
- Vehicles

(en español)

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1. Go to the DMV to apply
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   - Proof of U.S. Citizenship
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   - Social Security Number
3. If you don't have all or any of these, you can still get an ID for voting if you are a U.S. citizen and will be at least 18 years of age by the next election. Just bring what you have to the DMV, fill out two forms (form MV3004, and form MV3012), and you will get a photo ID document in the mail that you can use in time for voting. Here is a sample of the document you'll be receiving.
4. This process is authorized via Wis. Stat. 343.165(8).

## Call our voter ID hotline if you need assistance: (844) 588-1069

If you already hold an unexpired Wisconsin driver license or identification (ID) card, or if you hold a Wisconsin driver license or ID card that has expired since the last general election, you have what you need to vote. A Wisconsin driver license or ID card is acceptable photo ID for voting.

DMV does not have information regarding voter eligibility, poll locations, voter registration information or other election information. Please contact your local election officials or county clerk for election information. The Wisconsin Elections Commission is another useful source of information.

## IDPP monthly statistics

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AMERICAN OVERSIGHT



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The statement of scope for this rule, SS 008-22, was approved by the Governor on February 3, 2022, published in Register No. 795A2 on March 14, 2022, and approved by the Wisconsin Elections Commission on April 20, 2022.

DRAFT ORDER OF THE STATE OF WISCONSIN ELECTIONS COMMISSION AMENDING

The Wisconsin Elections Commission adopts an order to **amend** EL 12.01 (2), 12.01 (5), 12.02 (7).

RULES

**Analysis Prepared by the Wisconsin Elections Commission**

**1. Statutes Interpreted:** Sections 6.36, 7.15(1m), and 7.315(2), Stats.

**2. Statutory Authority:** Sections 5.05(1)(f), 7.315(2), and 227.11(2)(a), Stats.

**3. Explanation of Agency Authority:**

Section 5.05(1)(f), Stats., established the statutory authority and framework for regulation and administration of elections by the Commission. It states that:

> The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may: . . . (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

Section 7.315(2) requires the Commission to:

> by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

Section 227.11(2)(a), Stats., authorizes an agency to promulgate rules interpreting the statutes administered by the agency, it states that:

> [e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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**4. Related Statutes or Rules:**

Chapter EL 12, Wis. Adm. Code, establishes standards and procedures for the certification and training of municipal clerks. Section 6.36, Stats., requires the Commission to "compile and maintain electronically an official registration list" and Wisconsin election officials use this list to administer elections. The Commission has named this list WisVote, but the name could be changed in the future. Section 7.15(1m) established that clerk training periods "begin[] on January 1 of each even-numbered year and end[] on December 31 of the following year."

**5. Plain Language Analysis:**

The Commission seeks to revise Ch. EL 12, Wis. Adm. Code, to:

- Correct the definition of election cycle.
- Clarify the name of the statewide voter registration system.
- Establish how municipality governing bodies are contacted by commission staff to notify them if municipal clerks have not met required training standards.

**6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

The Help America Vote Act of 2002 allocated federal funds to states where that state's chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (see § 101(b)(1)(D)).

**7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:**

The commission held a virtual preliminary public hearing on the statement of scope on March 23, 2022. Thirteen members of the public attended the preliminary public hearing. No attendees provided testimony at the hearing. Comments were accepted through March 23, 2022. No written comments were received.

**8. Comparison with Similar Rules in Adjacent States:**

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo the training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year,

AMERICAN OVERSIGHT

odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the "uniform voting system." The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, "statewide registration system." A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

**9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider during rule promulgation. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed amendments are meant to conform with the recommendations from the LAB.

**10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:**
Naming the statewide voter registration system and redefining the election cycle will have no economic impact nor an effect on small business. The proposed rule amendment to provide notice of training deficiencies will have no impact on small business and a negligible economic impact as it would simply require municipalities to provide official mailing addresses to the Commission and read notices of training deficiencies.

**11. Effect on Small Business (initial regulatory flexibility analysis):**
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

AMERICAN OVERSIGHT

**12. Agency Contact Person:**
Brandon Hunzicker
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608-267-0714
brandon.hunzicker@wisconsin.gov

**13. Place where comments are to be submitted and deadline for submission:**
Written comments may be emailed to brandon.hunzicker@wisconsin.gov. While email is preferred, comments can also be mailed to P.O. Box 7984, Madison, WI 53703-7984. The deadline to submit comments concerning the Economic Impact Statement was May 8. The notice of a public hearing provides a deadline of June 12, 2024, to submit comments concerning the rule text.

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**RULE TEXT**

**SECTION 1. EL 12.02 is amended to read:**

**EL 12.01(2)** "Election cycle" begins on January 1 of an ~~odd-numbered~~ even-numbered year and continues through December 31 of the following ~~even-numbered~~ odd-numbered year.

**SECTION 2. EL 12.01(5) is amended to read:**

**EL 12.01(5)** "Statewide Voter Registration System" is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections. Since 2016, the statewide voter registration system has been called "WisVote," and the name may change in the future.

**SECTION 3. EL 12.02(7) is amended to read:**

**EL 12.02(7)** The governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter shall be notified of that fact by the commission. The commission shall request the official municipal mailing addresses to which notices of training deficiencies will be sent and notify the top elected official in a particular municipality by first class mail within thirty days of the election cycle's end. Municipalities shall provide the requested information to the Commission within 7 days of the request.

AMERICAN OVERSIGHT

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The commission held a virtual preliminary public hearing on the statement of scope on March 23, 2022. Thirteen members of the public attended the preliminary public hearing. No attendees provided testimony at the hearing. Comments were accepted through March 23, 2022. No written comments were received.

**8. Comparison with Similar Rules in Adjacent States:**

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo the training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year,

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odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the "uniform voting system." The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, "statewide registration system." A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

**9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider during rule promulgation. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed amendments are meant to conform with the recommendations from the LAB.

**10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:**
Naming the statewide voter registration system and redefining the election cycle will have no economic impact nor an effect on small business. The proposed rule amendment to provide notice of training deficiencies will have no impact on small business and a negligible economic impact as it would simply require municipalities to provide official mailing addresses to the Commission and read notices of training deficiencies.

**11. Effect on Small Business (initial regulatory flexibility analysis):**
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

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**12. Agency Contact Person:**
Brandon Hunzicker
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608-267-0714
brandon.hunzicker@wisconsin.gov

**13. Place where comments are to be submitted and deadline for submission:**
Written comments may be emailed to brandon.hunzicker@wisconsin.gov. While email is preferred, comments can also be mailed to P.O. Box 7984, Madison, WI 53703-7984. The deadline to submit comments concerning the Economic Impact Statement was May 8. The notice of a public hearing provides a deadline of June 12, 2024, to submit comments concerning the rule text.

---

**RULE TEXT**

**SECTION 1. EL 12.02 is amended to read:**

**EL 12.01(2)** "Election cycle" begins on January 1 of an ~~odd-numbered~~ even-numbered year and continues through December 31 of the following ~~even-numbered~~ odd-numbered year.

**SECTION 2. EL 12.01(5) is amended to read:**

**EL 12.01(5)** "Statewide Voter Registration System" is the election administration software application provided by the commission to enable local election officials to register voters, track absentee voting, and administer elections. Since 2016, the statewide voter registration system has been called "WisVote," and the name may change in the future.

**SECTION 3. EL 12.02(7) is amended to read:**

**EL 12.02(7)** The governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter shall be notified of that fact by the commission. The commission shall request the official municipal mailing addresses to which notices of training deficiencies will be sent and notify the top elected official in a particular municipality by first class mail within thirty days of the election cycle's end. Municipalities shall provide the requested information to the Commission within 7 days of the request.

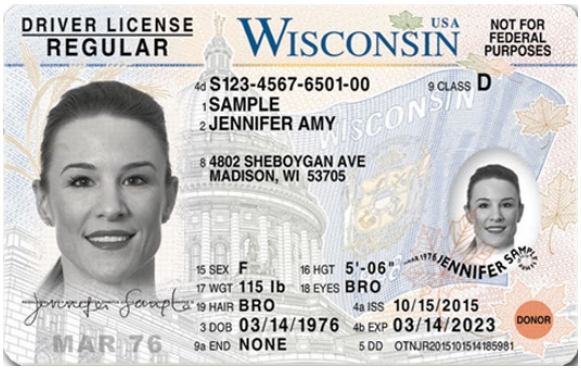
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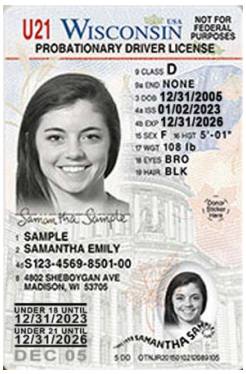
# -STATE OF WISCONSIN DRIVER LICENSE AS PHOTO ID FOR VOTING-

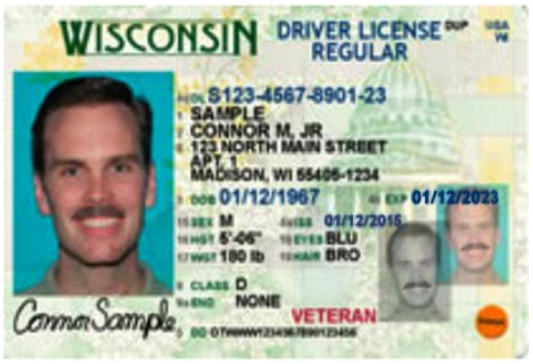
*Information Provided by the Wisconsin Elections Commission*

## WHAT DOES A STATE OF WISCONSIN DRIVER LICENSE LOOK LIKE?

The look of a State of Wisconsin Driver License can vary depending on when your ID was issued. Here are photos of some of the more common State of Wisconsin Driver Licenses:




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**No. Your State of Wisconsin Driver License does NOT need to have a current address on it.** When you present your photo ID to receive a ballot in the next election, the poll workers will not be looking at the address. However, if you still need to register to vote at your address, you will need to present a document called proof of residence that proves where you live, this could be your State of Wisconsin Driver License or it could be another document such as a utility bill.

## WHAT WILL THE ELECTION WORKER BE LOOKING FOR ON MY STATE OF WISCONSIN DRIVER LICENSE?

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1) **Your Photo.** Election workers know looks can change, but please make sure that if your appearance has significantly changed that your photo still reasonably resembles you.
2) **Your Name.** Poll workers will be looking to see that your name matches what is on the poll book. It doesn't need to be an exact match. For example, if your ID says "Robert" but your voter registration says "Bob," that's ok!
3) **An Expiration Date**. Poll workers will be checking to see that your Wisconsin Driver License is either unexpired or has expired since November 8, 2022 (currently the last General Election).

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# -WISCONSIN DRIVER LICENSE AS PHOTO ID FOR VOTING-

*Information Provided by the Wisconsin Elections Commission*

## WHO CAN GET A STATE OF WISCONSIN DRIVER LICENSE?

Voters who live in Wisconsin and have obtained driving privileges. You cannot have both a Driver License and a State ID, you may only have one. Valid out-of-state driver licenses or ID cards must be surrendered when obtaining a Wisconsin License.

## HOW DO I GET A STATE OF WISCONSIN DRIVER LICENSE?

Visit your local DMV. Find your nearest Wisconsin DMV location by calling (608) 264-7447 or visiting http://wisconsindot.gov/Pages/online-srvcs/find-dmv/default.aspx . Once there, you will be asked to provide identifying documentation.

## WHAT DOCUMENTS DO I NEED TO BRING TO GET A STATE OF WISCONSIN DRIVER LICENSE?

There are four categories of documentation the DMV would like you to bring when applying for a State of Wisconsin Driver License. Some documents meet the requirements for multiple categories so you may need less than four documents. Photocopies of your documents are not acceptable, you will need to bring your original documents.

| 1. NAME AND DATE OF BIRTH DOCUMENTS | | |
|---|---|---|
| Armed Forces ID Card | U.S. Passport (valid) | Tribal ID Card |
| Wisconsin Driver License | Certificate of Naturalization | Wisconsin State ID Card |
| Birth Certificate | Certificate of Citizenship | Foreign Passport (valid + i94) |
| Court Order (adoption, divorce, name, gender, etc.) | TSA Worker ID | |

| 2. WISCONSIN RESIDENCY DOCUMENTS | | |
|---|---|---|
| Government Issued Document | Hunting/Fishing License | Certified School Record |
| Pay Stub | Department of Corrections Doc | Mortgage Documents |
| Insurance Policy | College Enrollment Doc | Utility Bill (incl. cable, phone) |
| Employee Photo ID | Bank Statement | |

If you have legally changed your name, you will need to change your name with the Social Security Administration Office before coming to a Division of Motor Vehicles (DMV) Service Center. You will be required to show proof of your name change.

| 3. IDENTITY DOCUMENTS | | |
|---|---|---|
| U.S. Gov. /Military Dependent Card | Certified Certificate of Marriage | Legal Guardian WI ID Card (Under 18) |
| Social Security Card | Certified Certificate of Divorce | TSA Worker ID |
| State ID Card (Other U.S. State) | Military Discharge Papers+DD214 | WI or other state Driver License |

| 4. LEGAL PRESENCE DOCUMENTS | | |
|---|---|---|
| U.S. Passport (Valid) | Certificate of Naturalization | Foreign Passport (Valid + i94) |
| Birth Certificate (Certified) | Certificate of Citizenship | TSA Worker ID |

**For further questions visit:** http://wisconsindot.gov **SEARCH: "Application for a Driver License."** Once your application and documentation are accepted, you will be issued a Wisconsin Driver License photo receipt that can be used for voting purposes for 45 days. You will receive your Wisconsin Driver License in the mail about 10 days after you apply.

## WHAT ELSE DO I NEED TO KNOW ABOUT STATE OF WISCONSIN DRIVER LICENSES?

- You can renew your Wisconsin Driver License online at http://wisconsindot.gov/Pages/dmv/license-drvs/lst-or-stoln/duplicate-id.aspx
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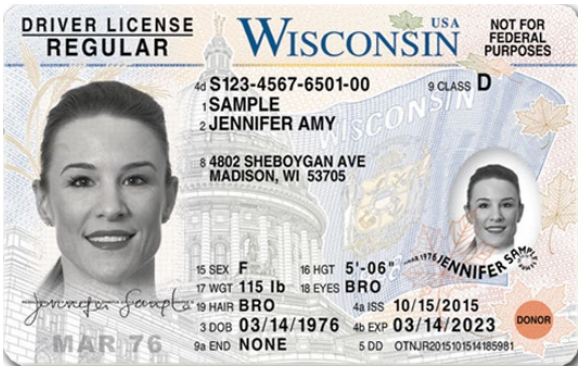
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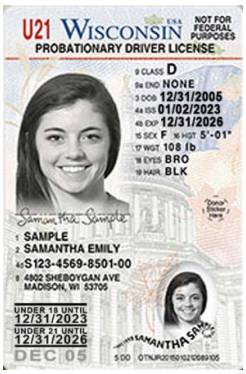
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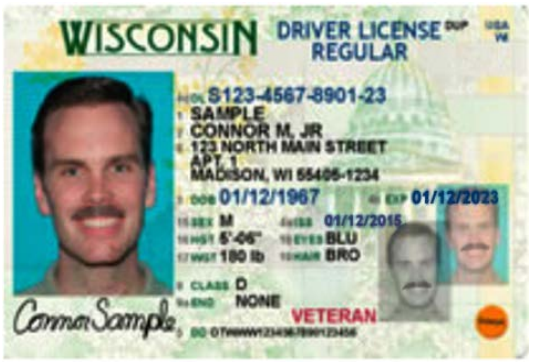
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| Pay Stub | Department of Corrections Doc | Mortgage Documents |
| Insurance Policy | College Enrollment Doc | Utility Bill (incl. cable, phone) |
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| Social Security Card | Certified Certificate of Divorce | TSA Worker ID |
| State ID Card (Other U.S. State) | Military Discharge Papers+DD214 | WI or other state Driver License |

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| Birth Certificate (Certified) | Certificate of Citizenship | TSA Worker ID |

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
May 14, 2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks

4. Subject
Certification and Training of Municipal Clerks

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
Wis. Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed rule amendments are meant to conform with the recommendations from the LAB and update EL 12 to show current statutory and terminological information.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter to solicit comments on the proposed rule.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
N/A

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory changes made to municipal clerk training terms, public clarity as to the name of the statewide voter registration system, and improved communication regarding the training of muncipal clerks. The alternative to implementing the proposed rule amendments would be maintaining the status quo in which EL 12 does not reflect the correct election cycle date, the name of the statewide voter registration system is not defined and there is no communication process for when municipal clerks fail to meet training standards.

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either was presented by the WEC. Municipalities would need to provide email addresses and receive communications from the WEC regarding muncipal clerks failing to meet training standards. This would be a permanent change though relatively burdenless on municipalitites.

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The general election is the first Tuesday after the first Monday in November of even years. The election cycle in Wisconsin is from January 1 of even years to December 31 of the following odd year. The other two proposed rule amendments have no comparison to any federal process.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject to removal from their position.

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| 19. Contact Name | 20. Contact Phone Number |
|---|---|
| Brandon Hunzicker, Staff Atorney | (608) 267-0714 |

This document can be made available in alternate formats to individuals with disabilities upon request.

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WI-REP-24-1368-B-000101

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☒ Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

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1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
May 14, 2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks

4. Subject
Certification and Training of Municipal Clerks

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
Wis. Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election a

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter t

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
N/A

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The a

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WI-REP-24-1368-B-000103

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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FAX: (608) 267-0372

# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory c

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either v

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The g

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject

| 19. Contact Name | 20. Contact Phone Number |
|---|---|
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WI-REP-24-1368-B-000104

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☒ Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
May 14, 2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks

4. Subject
Certification and Training of Municipal Clerks

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
Wis. Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed rule amendments are meant to conform with the recommendations from the LAB and update EL 12 to show current statutory and terminological information.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter to solicit comments on the proposed rule.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
N/A

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory changes made to municipal clerk training terms, public clarity as to the name of the statewide voter registration system, and improved communication regarding the training of muncipal clerks. The alternative to implementing the proposed rule amendments would be maintaining the status quo in which EL 12 does not reflect the correct election cycle date, the name of the statewide voter registration system is not defined and there is no communication process for when municipal clerks fail to meet training standards.

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either was presented by the WEC. Municipalities would need to provide email addresses and receive communications from the WEC regarding muncipal clerks failing to meet training standards. This would be a permanent change though relatively burdenless on municipalitites.

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The general election is the first Tuesday after the first Monday in November of even years. The election cycle in Wisconsin is from January 1 of even years to December 31 of the following odd year. The other two proposed rule amendments have no comparison to any federal process.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the “uniform voting system.” The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, “statewide registration system.” A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

| 19. Contact Name | 20. Contact Phone Number |
|---|---|
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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☒ Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
May 14, 2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks

4. Subject
Certification and Training of Municipal Clerks

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
Wis. Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election a

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter t

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
N/A

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The a

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WI-REP-24-1368-B-000109

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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FAX: (608) 267-0372

# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the
Michigan: The election cycle is the first day after the last general election to the next general election. The general elec
Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general e
Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a

| 19. Contact Name | 20. Contact Phone Number |
|---|---|
| Brandon Hunzicker, Staff Atorney | (608) 267-0714 |

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☒ Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

AMERICAN OVERSIGHT

**Notice of Hearing**

The Wisconsin Elections Commission announces that Commission staff will hold a public hearing on a permanent rule to amend Wis. Admin Code Chapter EL 12 relating to the certification and training of municipal clerks at the time and place shown below.

**Hearing Information**

Date: Wednesday, June 12, 2024

Time: 1:00 p.m.

Location: *See below for virtual attendance options*

Please click the link below to join the webinar:

https://us06web.zoom.us/j/81634340259?pwd=jho0dTuWOSiYfmfsGrGcqXFqQmfQdg.3r8AGSycbNN8aQJd

Passcode: 681764

Or One tap mobile: +13126266799,,81634340259# US (Chicago);
+16465588656,,81634340259# US (New York)
Or Telephone:
Dial(for higher quality, dial a number based on your current location): +1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 646 931 3860 US; +1 301 715 8592 US (Washington DC); +1 305 224 1968 US; +1 309 205 3325 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 360 209 5623 US; +1 386 347 5053 US; +1 507 473 4847 US; +1 564 217 2000 US; +1 669 444 9171 US; +1 689 278 1000 US; +1 719 359 4580 US; +1 720 707 2699 US (Denver); +1 253 205 0468 US.

Webinar ID: 816 3434 0259
International numbers available: https://us06web.zoom.us/u/kyygxgZA3

**Accessibility**

This meeting will include the option for captioning. Additional accessibility considerations may be available and can be requested by contacting elections@wisconsin.gov.

**Appearances at the Hearing and Submittal of Written Comments**

Anyone may attend the hearing and provide a perspective on the proposed rule amendments. Oral comments will be limited to a 4 minute presentation per person.

AMERICAN OVERSIGHT

The proposed rule may be reviewed at https://docs.legis.wisconsin.gov/code/scope_statements/all/008_22 and https://elections.wi.gov/draft-amendments-rule-chapter-el-12-training-certification-municipal-clerks. Please send written comments to brandon.hunzicker@wisconsin.gov no later than 4:30 p.m. Wednesday, June 12. Comments may also be submitted at https://docs.legis.wisconsin.gov/code/chr/comment, or mailed to:

Brandon Hunzicker
P.O. Box 7984
Madison, WI 53707-7984

**Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

AMERICAN OVERSIGHT

**Notice of Possible Quorum**

Wisconsin Elections Commission

Public Hearing Seeking Comment on Administrative Rule Scope Statement
Wednesday, June 12, 2024
1:00 p.m.

A quorum of the members of the Wisconsin Elections Commission may be present at the agency's public hearing seeking comment relating to a proposed rule concerning the certification and training of municipal clerks.

Notice is hereby given that the above gathering may constitute a meeting of the Wisconsin Elections Commission. However, no items are on an agenda for Commission consideration, nor will action be taken by the Commission.

Approved: May 14, 2024



/s/
Carrie Riepl, Commission Secretary

AMERICAN OVERSIGHT

**Notice of Hearing**

The Wisconsin Elections Commission announces that Commission staff will hold a public hearing on a permanent rule to amend Wis. Admin Code Chapter EL 12 relating to the certification and training of municipal clerks at the time and place shown below.

**Hearing Information**

Date: Wednesday, June 12, 2024

Time: 1:00 p.m.

Location: *See below for virtual attendance options*

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https://us06web.zoom.us/j/81634340259?pwd=jho0dTuWOSiYfmfsGrGcqXFqQmfQdg.3r8AGSycbNN8aQJd

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Or One tap mobile: +13126266799,,81634340259# US (Chicago);
+16465588656,,81634340259# US (New York)
Or Telephone:
Dial(for higher quality, dial a number based on your current location): +1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 646 931 3860 US; +1 301 715 8592 US (Washington DC); +1 305 224 1968 US; +1 309 205 3325 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 360 209 5623 US; +1 386 347 5053 US; +1 507 473 4847 US; +1 564 217 2000 US; +1 669 444 9171 US; +1 689 278 1000 US; +1 719 359 4580 US; +1 720 707 2699 US (Denver); +1 253 205 0468 US.

Webinar ID: 816 3434 0259
International numbers available: https://us06web.zoom.us/u/kyygxgZA3

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AMERICAN OVERSIGHT

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Approved: May 14, 2024

Carrie L Riepl

/s/
Carrie Riepl, Commission Secretary

AMERICAN OVERSIGHT

**Notice of Submittal of Proposed Rule to**
**Legislative Council Rules Clearinghouse**

On May 15, 2024, the Wisconsin Elections Commission submitted a proposed rule to the Wisconsin Legislative Council Clearinghouse pursuant to s. 227.15 (1), Wis. Stats.

**Analysis**

The proposed rule would amend Wis. Admin Code Chapter EL 12, relating to the certification and training of municipal clerks.

**Statement of Scope**

The scope statement for this rule, SS 008–22, was approved by the Governor on February 3, 2022, published in Register No. 794A1, on February 7, 2022, and approved by The Wisconsin Elections Commission by a unanimous vote on April 20, 2022.

**Agency Procedure for Promulgation**

A public hearing is required and will be held on June 12, 2024, at 1 p.m. on Zoom. Materials related to the proposed rule and the public hearing notice can be found on the Commission's website at this link: https://elections.wi.gov/draft-amendments-rule-chapter-el-12-training-certification-municipal-clerks.

**Agency Organizational Unit Primarily Responsible for Promulgating Rule**

Wisconsin Elections Commission

**Agency Contact Person**

Brandon Hunzicker – Staff Attorney
brandon.hunzicker@wisconsin.gov
P.O. Box 7984, Madison, WI 53703-7984
608-267-0714

AMERICAN OVERSIGHT

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**Agency Organizational Unit Primarily Responsible for Promulgating Rule**

Wisconsin Elections Commission

**Agency Contact Person**

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AMERICAN OVERSIGHT

**Written Testimony of Chad Ennis**
**Vice President, Honest Elections Project**
**Assembly Joint Resolution 101**
**Wisconsin Assembly Committee on Campaigns and Elections**
**January 30, 2024**

Thank you for the opportunity to testify today on Assembly Joint Resolution 101, a measure to ban the use of ranked-choice voting in Wisconsin. My name is Chad Ennis and I am Vice President of the Honest Elections Project. Prior to joining HEP, I served the state of Texas as the Director of the Forensic Audit Division of the Texas Secretary of State. In this role, I audited the process of election administration to ensure that localities were following Texas laws and good election practice.

Rank choice voting (RCV) makes the already difficult job of election administration even harder. That is why the Colorado County Clerks' Association opposed RCV in Colorado noting that it would "create a confusing scenario for voters" and a "complicated morass" of voting styles.

RCV's advocates ignore its major logistical hurdles, such as the long lines it creates in polling places. Voting lines are subject to many factors, including the number of polling locations, check-in stations, and voting machines. But another driver of lines is the amount of time a person spends voting. When a voter lingers in the booth, lines grow. In November 2022, voters in Harris County, Texas were faced with one of the longest ballots in the nation. The elections administrator estimated that each voter would take between seven and ten minutes to vote.

This was without RCV. Imagine now if that same voter had to rank up to five candidates in every race. Independent studies have found that each candidate in an RCV election adds 12 seconds to voting. Accordingly, in a final five system, each RCV race will require an additional minute of voter time. The time to vote could easily double, swelling lines and potentially deterring voters.

RCV elections have been marred by weeks-long delays in declaring winners. For example, in New York City's 2021 Democratic Mayoral Primary it took 15 days to declare a winner. More recently, in Alaska's November 2022 General Election it took even longer to tabulate the votes and declare the winners. And these races were even not particularly close.

The truth is long wait times for results are inherent with RCV. Candidate elimination cannot begin until every ballot has been returned. That means that every provisional, mail, military, and absentee ballot must be returned and processed before tabulation can begin. Provisional ballots present problems, but mail-in ballots are much worse.

The delays get even worse if there are recounts. And RCV makes recounts and lawsuits more likely. Each round of elimination could be narrowly decided, and a mere change in the order in which low-ranking candidates are eliminated could change the outcome of the entire election.

RCV advocates often insist that election delays are mere nuisances, but they present real problems for election security and voter confidence. We count ballots on election night for a

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reason, as it denies bad actors an opportunity to stuff ballot boxes. The delays caused by RCV annihilate this natural safeguard. Every extra day that ballots sit presents an opportunity for ballots to appear, disappear, or just get lost, and for public doubt to creep in.

RCV is confusing to voters. It has taken massive campaigns to educate voters, not on the candidates, but rather the simple mechanics of voting. New York City, for example, spent $15 million to educate voters on how to vote in the 2021 Democratic Primary. And Maine produced a 19-page manual to explain their system.

Many noteworthy Democrats and advocacy groups agree that the complexity of RCV is bad for voters. Here are a few examples of how they have described the effect on voters:

- "Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice." Jerry Brown, former Governor of California

- "Where it has been implemented, I am concerned that it has often led to voter confusion, and that the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled." Gavin Newsom, Governor of California

- "[Ranked choice voting] would make our system more confusing, error-prone, and exclusionary." Steve Sisolak, Governor of Nevada

- "Ranked choice voting is not beneficial to minorities. It's voter suppression…I hope that the courts see that ranked choice voting is not right for democracy." Hazel Dukes, Past President of the NAACP

The problems of RCV were on full display in the Alameda County, California school board race. Initially, it appeared that the election had gone off without a hitch, the election was certified, and the "winner" was sworn in. However, weeks later independent researchers uncovered that there were errors in how the votes were tabulated and that the declared winner was, in fact, the loser. It turns out that over 200 voters did not include a first-choice candidate on their ballots. The tabulation machines were incorrectly programed to reject these ballots entirely instead of moving the voter's second choice to first place.

As a result, months of litigation ensued. Fortunately, the correct winner was eventually seated four months after the election.

The mistakes that led to this debacle would have been easily spotted in a traditional election, but they were missed because of RCV. The process is too opaque for even simple mistakes to be event.

RCV is complicated for both voters and elections administrators. It is simply too cumbersome to adopt.

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:15 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 1

---

**From:** Reinemann, John
**Sent:** Friday, February 16, 2024 2:15 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Scott please take a look
**Importance:** High

Scott, maybe Shirl should hear from you on this one.

We actually passed AB 51 on a voice vote and the Macco office tells me they think it's headed to the Governor. It's also through its Senate committee and needs only a Senate floor vote. Maybe you know more but that's what I have been told.

https://docs.legis.wisconsin.gov/2023/proposals/ab51

Senate Bill 78 (the companion) is equally far along: Senate voice voted it and it's through its Assembly committee.

https://docs.legis.wisconsin.gov/2023/proposals/sb78

Thanks Scott.

John

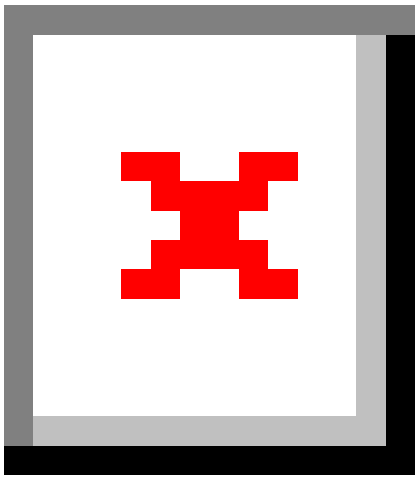
**From:** Shirl LaBarre <shirl59labarre@gmail.com>
**Sent:** Friday, February 16, 2024 9:00 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Fwd: Action Alert: Oppose Bill to Allow Illegal Aliens to Become Law Enforcement Officers

Is this true? I usually get good info from FAIR, if this is true I am not for it. Thanks, hope you are doing well!!
Shirl

---------- Forwarded message ---------
From: **Shari Rendall** <info@fairus.org>
Date: Fri, Feb 16, 2024, 8:17 AM
Subject: Action Alert: Oppose Bill to Allow Illegal Aliens to Become Law Enforcement Officers
To: Shirl LaBarre <shirl59labarre@gmail.com>

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View this email in your browser



Shirl,

The Wisconsin legislature is likely to consider legislation as soon as next week that will allow illegal aliens to become law enforcement officers. A state senator confided to FAIR that the legislature may try to sneak this through at the end of the legislative session. I need your help right away to make sure this does not happen!

Currently, no person can become a law enforcement officer unless he/she is a citizen of the United States. Senate Bill (SB) 78 and its companion, Assembly

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Bill (AB) 51, change this law to allow Deferred Action for Childhood Arrival (DACA) recipients with employment authorization to become police officers or deputy sheriffs.

The legislature wants to give individuals who entered our country illegally the right to enforce the law in Wisconsin. While DACA recipients are lawfully present, their immigration status has not changed – they are inadmissible illegal aliens. DACA just temporarily defers their removal from the United States, it does not put them on a pathway toward citizenship. Moreover, the deportation deferral can be revoked at any time making them immediately subject to removal.

Ironically, if this legislation becomes law, DACA recipients will take an oath of office to uphold the law while by their very presence they violate it.

I need you to contact your representative and senator right away and urge them to oppose changing the law to allow DACA grantees who are still illegal aliens to become law enforcement officers.

**Please contact your legislators right away and urge them to oppose SB 78 and HB 51.**

Thanks in advance for your help! Your efforts truly make a difference!

**Take Action**

---

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Federation for American Immigration Reform 25 Massachusetts Ave, NW, Suite 330 Washington, DC 20001-1430

AMERICAN OVERSIGHT

USA

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From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:16 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 2
Attachments: Snead WI AJR 101 Testimony.pdf; Ennis WI AJR 101 Written Testimony.pdf

---

**From:** Jason Snead <Jsnead@Honestelections.org>
**Sent:** Monday, January 29, 2024 9:53 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Testimony on AJR 101 for tomorrow's Campaign and Election Committee Hearing

Correction—please use these versions of the testimony.

Best,

Jason Snead
Executive Director
Honest Elections Project
(202) 649-0292

> On Jan 29, 2024, at 10:50 AM, Jason Snead <Jsnead@Honestelections.org> wrote:
>
> Good morning John,
>
> Attached please find testimony from myself and from Honest Elections Project's vice president, Chad Ennis, regarding AJR 101. We are submitting this as written testimony ahead of tomorrow's committee hearing.
>
> Please let me know if you need anything else.
>
> All the best,
>
> Jason Snead
> Executive Director
> Honest Elections Project
> <Ennis WI AJR 101 Written Testimony.pdf>
> <Snead GA SB 355 Testimony.pdf>
>
> (202) 649-0292

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:19 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 3

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**From:** Reinemann, John
**Sent:** Monday, January 8, 2024 11:07 AM
**To:** 'Jason Snead' <Jsnead@Honestelections.org>
**Subject:** RE: Submitting written testimony on AB 563

Got these, thank you!

JRe

---

**From:** Jason Snead <Jsnead@Honestelections.org>
**Sent:** Monday, January 8, 2024 10:46 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Submitting written testimony on AB 563

John, thank you. I've attached written testimony for myself and my vice president. Please let me know if you need anything else, but this should match your requirements below.

Thanks again for gathering this ahead of tomorrow's hearing!

Best,

Jason Snead
Executive Director
Honest Elections Project
(202) 649-0292

> On Jan 8, 2024, at 11:02 AM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> Happy to accept that. Just email me a statement. Attachments are best, letterhead is helpful of course. At a bare minimum please make sure anything you send has your name, an address, an affiliation, and a clear statement of which bill you are commenting on and where you / your group is on that bill.
>
> That may seem obvious but you'd be surprised what people will send.

AMERICAN OVERSIGHT

A simple email message is fine too, just please see that it covers the ground I've outlined. Finally, today would be better than tomorrow morning. Nothing accepted after 10.00 AM tomorrow.

Thank you!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Jason Snead <Jsnead@Honestelections.org>
**Sent:** Monday, January 8, 2024 9:21 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Submitting written testimony on AB 563

Good morning,

I am writing to ask about the deadline and process for submitting written testimony ahead of tomorrow's committee meeting. I would like to submit testimony on AB 563 on behalf of my organization, the Honest Elections Project.

Many thanks for your assistance.

Best regards,

Jason Snead
Executive Director
Honest Elections Project
(202) 649-0292

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:19 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 4

---

**From:** Reinemann, John
**Sent:** Monday, January 8, 2024 10:02 AM
**To:** 'Jason Snead' <Jsnead@Honestelections.org>
**Subject:** RE: Submitting written testimony on AB 563

Happy to accept that. Just email me a statement. Attachments are best, letterhead is helpful of course. At a bare minimum please make sure anything you send has your name, an address, an affiliation, and a clear statement of which bill you are commenting on and where you / your group is on that bill.

That may seem obvious but you'd be surprised what people will send.

A simple email message is fine too, just please see that it covers the ground I've outlined. Finally, today would be better than tomorrow morning. Nothing accepted after 10.00 AM tomorrow.

Thank you!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Jason Snead <Jsnead@Honestelections.org>
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**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Submitting written testimony on AB 563

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Many thanks for your assistance.

Best regards,

AMERICAN OVERSIGHT

Jason Snead
Executive Director
Honest Elections Project
(202) 649-0292

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:27 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 5

---

**From:** Reinemann, John
**Sent:** Monday, January 29, 2024 12:49 PM
**To:** 'Jason Snead' <Jsnead@Honestelections.org>
**Subject:** RE: Testimony on AJR 101 for tomorrow's Campaign and Election Committee Hearing

Hello! Received and I will treat these as part of the record for AJR 101 at tomorrow's hearing. Earlier version has been discarded. Thank you!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Jason Snead <Jsnead@Honestelections.org>
**Sent:** Monday, January 29, 2024 9:53 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Testimony on AJR 101 for tomorrow's Campaign and Election Committee Hearing

Correction—please use these versions of the testimony.

Best,

Jason Snead
Executive Director
Honest Elections Project
(202) 649-0292

> On Jan 29, 2024, at 10:50 AM, Jason Snead <Jsnead@Honestelections.org> wrote:
>
> Good morning John,
>
> Attached please find testimony from myself and from Honest Elections Project's vice president, Chad Ennis, regarding AJR 101. We are submitting this as written testimony ahead of tomorrow's committee hearing.

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Please let me know if you need anything else.

All the best,

Jason Snead
Executive Director
Honest Elections Project
<Ennis WI AJR 101 Written Testimony.pdf>
<Snead GA SB 355 Testimony.pdf>

(202) 649-0292

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:37 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 6
Attachments: Cuccinelli_Testimony_AJR101_Jan30.2024.pdf

---

**From:** Michael Bars <MBars@electiontransparency.org>
**Sent:** Monday, January 29, 2024 1:23 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Testimony // AJR101

John,

We would like to submit the attached testimony on behalf of our chairman, Ken Cuccinelli, in advance of tomorrow's hearing.

Please let me know if any additional information may be needed.

Gratefully,
Michael

**MICHAEL J. BARS**
Executive Director
Election Transparency Initiative
M: (703) 201-9197
ElectionTransparency.org
@ETI_now




AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:38 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 7
Attachments: image001.png; Cuccinelli_Testimony_AJR101_Jan30.2024.pdf

---

**From:** Michael Bars <MBars@electiontransparency.org>
**Sent:** Tuesday, January 30, 2024 7:37 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Fwd: Testimony // AJR101

Good morning, John.

Making sure you received.

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Bars <MBars@electiontransparency.org>
> **Date:** January 29, 2024 at 2:22:00 PM EST
> **To:** "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
> **Subject: Testimony // AJR101**
>
> John,
>
> We would like to submit the attached testimony on behalf of our chairman, Ken Cuccinelli, in advance of tomorrow's hearing.
>
> Please let me know if any additional information may be needed.
>
> Gratefully,
> Michael

**MICHAEL J. BARS**
Executive Director
Election Transparency Initiative
M: (703) 201-9197
ElectionTransparency.org
@ETI_now

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 10:38 AM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 8

---

**From:** Reinemann, John
**Sent:** Tuesday, January 30, 2024 9:20 AM
**To:** 'Michael Bars' <MBars@electiontransparency.org>
**Subject:** RE: Testimony // AJR101

Got it and will add to the record. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Michael Bars <MBars@electiontransparency.org>
**Sent:** Tuesday, January 30, 2024 7:37 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Fwd: Testimony // AJR101

Good morning, John.

Making sure you received.

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Bars <MBars@electiontransparency.org>
> **Date:** January 29, 2024 at 2:22:00 PM EST
> **To:** "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
> **Subject: Testimony // AJR101**
>
> John,
>
> We would like to submit the attached testimony on behalf of our chairman, Ken Cuccinelli, in advance of tomorrow's hearing.
>
> Please let me know if any additional information may be needed.

AMERICAN OVERSIGHT

Gratefully,
Michael

**MICHAEL J. BARS**
Executive Director
Election Transparency Initiative
M: (703) 201-9197
ElectionTransparency.org
@ETI_now

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 12:46 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 9

---

**From:** Eric Searing <eric@will-law.org>
**Sent:** Thursday, March 14, 2024 12:46 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Greetings

John,

Great to hear from you! I am going to be jumping on a quick call at 1 PM and I will try you afterwards if that works?

Best,

Eric

Eric Searing
Director of External Relations
Wisconsin Institute for Law & Liberty

Follow us on Twitter, LinkedIn, like us on Facebook and visit our website! We are a 501(c)(3) corporation.

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---

**From:** "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
**Date:** Thursday, March 14, 2024 at 11:46 AM
**To:** Eric Searing <eric@will-law.org>
**Subject:** Greetings

Hi Eric! Good Thursday morning. Hope all is well.

Would love to catch up sometime soon. As is often the case, however, I am writing today on a work item.

AMERICAN OVERSIGHT

Do you have some time to talk? My cell is 608-371-9669.

Hope to talk to you soon. Thank you!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 12:53 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 10

---

**From:** Reinemann, John
**Sent:** Thursday, March 14, 2024 3:17 PM
**To:** 'Eric Searing' <eric@will-law.org>
**Subject:** Thanks for the call, Eric

Good to catch up! Appreciate your attention to these two issues as well. Thanks Eric! Have a great week (what's left of it)!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:07 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 11

---

**From:** Reinemann, John
**Sent:** Tuesday, July 9, 2024 2:59 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Re: Letter to DOT on noncitizen voters 27 June 2024

Scott, I don't think I shared this w you, sorry.

In the message belowKathey B assures us she's / DOT's on it, but that's a week ago.

I did just call her and left her a VM saying, "Ok, this is an inquy as to where all this is, and oh BTW if Sec Thompson would prefer to talk w Rep. Krug we would welcome that opportunity. Please be in touch."

John

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Tuesday, July 2, 2024 11:30:20 AM
**To:** Sen.Knodl
**Cc:** Reinemann, John
**Subject:** RE: Letter to DOT on noncitizen voters 27 June 2024

Sorry about that! We are working on reviewing the June 4 memo from Legislative Council about possible data-sharing methods and analyzing the ideas. Our legal has been in contact with Katie to get clarification on a couple of points made. We expect to have a memo of our own in the near future. Vacations and a round of illnesses have made it tricky to get everyone together as soon as we'd hoped.

The IDPP reports are attached.

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

AMERICAN OVERSIGHT

**From:** Sen.Knodl <Daniel.Knodl@legis.wisconsin.gov>
**Sent:** Tuesday, July 2, 2024 11:23 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Subject:** RE: Letter to DOT on noncitizen voters 27 June 2024

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kathey,

For what it's worth, an email/letter was sent on May 31st as well without any acknowledgement. Sen. Knodl would appreciate a response.

**William Neville**
Office of Sen. Dan Knodl | Room 108 South
8th Senate District
William.Neville@legis.wisconsin.gov
608.504.5328

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Tuesday, July 2, 2024 11:19 AM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Thompson, Craig M - DOT <craigm.thompson@dot.wi.gov>
**Cc:** Boardman, Kristina - DOT <Kristina.Boardman@dot.wi.gov>; Sen.Knodl <Daniel.Knodl@legis.wisconsin.gov>; Mietus, James <James.Mietus@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: Letter to DOT on noncitizen voters 27 June 2024

Good morning,

Confirming receipt of the letter and request. We will review and circle back with Senator Knodl and Representative Krug's offices

Thank you!

AMERICAN OVERSIGHT

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

**From:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Sent:** Friday, June 28, 2024 11:41 AM
**To:** Thompson, Craig M - DOT <craigm.thompson@dot.wi.gov>
**Cc:** Boardman, Kristina - DOT <Kristina.Boardman@dot.wi.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Sen.Knodl <Daniel.Knodl@legis.wisconsin.gov>; Mietus, James X - LEGIS <james.mietus@legis.wisconsin.gov>; Neville, William - LEGIS <William.Neville@legis.wisconsin.gov>
**Subject:** Letter to DOT on noncitizen voters 27 June 2024

**CAUTION: This email originated from outside the organization.**
**Do not click links or open attachments unless you recognize the sender and know the content is safe.**

WISCONSIN LEGISLATURE
P.O. Box 7882 • Madison, WI 53707-7882

June 27, 2024

Craig Thompson
Secretary, Wisconsin Department of Transportation
Hill Farm State Office Building
4822 Madison Yards Way
Madison WI 53705
Dear Mr. Thompson:

We write today to follow up on our letter of May 31, in which we asked that WISDOT and WEC cooperatively share non-citizen information with each other to provide another layer of election integrity to our system.

As you know, Wisconsin law precludes persons who are not US citizens from voting. Article III of the Wisconsin Constitution creates a right for residents to vote provided that the person: (a) is a U.S. citizen; (b) is age 18 or older; (c) is a resident of a Wisconsin election district; and (d) is not denied the right to vote due to past offenses or a finding of incompetency.

AMERICAN OVERSIGHT

Since individuals must affirm that they are US citizens when they register to vote, one could conclude that all voters listed in the statewide voter registration list are presumably US citizens. However, there have been documented instances of non-citizen voting (or attempted voting) in Wisconsin. We want to determine the extent of this activity to the closest degree we can. We feel strongly that to do so, is in the public interest of the State of Wisconsin.

It has been established that WISDOT maintains records on noncitizens who receive state drivers' licenses and who receive state ID cards. (The DOT's Division of Motor Vehicles or DMV administers these programs.) As we noted in our May letter, DOT testimony at a joint hearing of our committees in May revealed that two percent (72,315) of state drivers licenses and four percent (17,178) of state ID cards are held by persons who were not US citizens when these credentials were issued by DOT.

I know your agency has a list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

I write today to ask you to share this list with the Assembly Committee on Campaigns and Elections as well with the Senate Committee on Shared Revenue, Elections and Consumer

***MORE***



Protection so that our two committees may properly and fully conduct the oversight duties we are tasked with.

Allow us to share with you the wording of Wis Stats 143.45 (7), which contains a requirement that state agencies cooperate with the Legislature in the execution of legislative duties.

*Wis Stats 13.45 (7), "Cooperation of state agencies," states: "The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require"*

We are prepared to convene a meeting of our respective committees, in order to formally request (and vote as a committee upon) from your agency, the list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

Again, we are prepared to convene our committees under Wis Stats 13.45 (7) in order to formalize these requests.

AMERICAN OVERSIGHT

Please respond to this request at your earliest convenience. Thank you.

Sincerely,

Sen. Dan Knodl

Rep. Scott Krug

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:09 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 12
Attachments: Letter to DOT on noncitizen voters 26_June_2024.docx

-----Original Message-----
From: Reinemann, John
Sent: Thursday, June 27, 2024 10:40 AM
To: Mietus, James <James.Mietus@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>
Subject: FW: DOT Letter 13.45(7)

Hey guys, after much back-and-forth Rep. Krug and I came up with a version of a letter to Craig Thompson that we both like.

Would Sen. Knodl care to sign on?

Please note we are promising Craig another meeting of our committees if he doesn't come across w a list.

John Reinemann

-----Original Message-----
From: Scott Krug <skrug@nexthomepartners.com>
Sent: Wednesday, June 26, 2024 4:20 PM
To: Reinemann, John <John.Reinemann@legis.wisconsin.gov>
Subject: DOT Letter 13.45(7)

One typo and a small tweak towards the end, I'm good to go.

Scott

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:10 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 13
Attachments: Letter to DOT on noncitizen voters 27_June_2024.pdf

-----Original Message-----
From: Reinemann, John
Sent: Thursday, June 27, 2024 3:30 PM
To: Krug, Scott <Scott.Krug@legis.wisconsin.gov>; Mietus, James <James.Mietus@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>
Subject: FW: DOT Letter 13.45(7)

Scanned copy of signed letter, FYI

-----Original Message-----
From: Reinemann, John
Sent: Thursday, June 27, 2024 10:03 AM
To: 'Scott Krug' <skrug@nexthomepartners.com>
Subject: RE: DOT Letter 13.45(7)

I'll share it w Knodl then

-----Original Message-----
From: Scott Krug <skrug@nexthomepartners.com>
Sent: Wednesday, June 26, 2024 4:20 PM
To: Reinemann, John <John.Reinemann@legis.wisconsin.gov>
Subject: DOT Letter 13.45(7)

One typo and a small tweak towards the end, I’m good to go.

Scott

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:12 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 14
Attachments: HAVA 66 Pages.pdf; WEC DMV Agreement (1).pdf; Gov. Office DMV WEC Drivers License Data.jpg; DMV WEC Clerks Drivers License Disclosure for Non-US Citizens.pdf; DMV WEC Non-US Citizens License - Revised.jpg; DMV DOT Non-US Citizen Data Response ORR (1).docx; DMV Fraud Deptartment Non-US Citizen Drivers License.jpg; Drivers License for Voting ID Wisconsin.pdf; Non-US Citizen Drivers License Wisconsin.jpg; DMV Free Voter ID Program Promotional Flyer.pdf; DMV ID for Free.pdf; DMVForm3012 (1).docx

---

**From:** Reinemann, John
**Sent:** Wednesday, May 15, 2024 10:08 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: May 14, 2024 - Election Integrity for Wisconsin Full Forensic Physical and Cyber Audit Update (FFPCA)
**Importance:** High

A re-send of what I sent yesterday for your convenience.

John

---

**From:** Reinemann, John
**Sent:** Tuesday, May 14, 2024 11:38 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: May 14, 2024 - Election Integrity for Wisconsin Full Forensic Physical and Cyber Audit Update (FFPCA)
**Importance:** High

Jefferson is asking that this be included in the hearing material for Thursday. He texted me that he's emailed it all to Knodl and made the same request of Knodl. I have not yet attempted to discuss this with Bill Neville.

John

**From:** Jefferson <davisforpresident@protonmail.com>
**Sent:** Tuesday, May 14, 2024 10:33 AM
**To:** davisforpresident <davisforpresident@protonmail.com>
**Subject:** May 14, 2024 - Election Integrity for Wisconsin Full Forensic Physical and Cyber Audit Update (FFPCA)

> County GOP Team Leaders, Individual GOP Members, Patriot Groups, Social Media, Freedom Alliances, Non-Profits, Affiliates, Talk Radio Hosts, Podcasters, Ad-Hoc Commitee Members:

AMERICAN OVERSIGHT

**ELECTION INTEGRITY ALERT!!!!!!**

Today's election integrity update will focus only on the documented hundreds of thousands of non-US citizens receiving a Wisconsin driver's license from the DMV during an approximate 48-month window between 2019-2023 and what can be done to make sure they are not registering to vote and actually voting.

**Informational Hearing, Thursday, May 16th, State Capitol, 10:00 A.M., Non-US Citizens Receiving Wisconsin Driver's Licenses and Voting**

Thanks to the leadership of several republican legislative members, election integrity supporters are being given a historic opportunity to attend an initial Legislative Hearing at the State Capitol in Madison on Thursday, May 16th, regarding non-US citizens receiving Wisconsin driver's licenses and possibly voting as follows:

- Jt. Informational Hearing with the Assembly and Senate Elections Committees, Thursday, May 16th, 10:00 A.M., Room 411 South, State Capitol.
- The Department of Transportation (DOT), the Wisconsin Elections Commission and or Staff (WEC), County Clerks and a District Attorney have been invited to present in-person testimony (**click here** - 1791747 (wisconsin.gov)).
- Public is invited to attend but won't be permitted to testify at the Jt. Informational Hearing.
- The public may submit their comments to their State Representative and or State Senator as well as the Assembly and Senate Elections Committee Members for the Informational Hearing on Thursday.
- Depending on the outcome of the Jt. Informational Hearing on Thursday, May 16th, there may be additional Hearings where the Public will be permitted to testify to address this critical election integrity issue.

**Action Plan...**

It is understood this is a late notice, but we only learned of the Informational Hearing on Monday, May 13th.

- Please make every effort to attend this Informational Hearing in person on Thursday, May 16th, 10:00 A.M., State Capitol, Room 411 South.
- Please watch the Jt. Informational Hearing on WisEye if you cannot attend in person (**click here** - Live - WisconsinEye (wiseye.org)). A free account will have to be established with a user ID and password.
- The Legislators notice and most of the time respond appropriately when citizens attend Hearings like this.
- Please forward this email to your State Representative (**click here** - Members (wisconsin.gov)) and State Senator (**click here** - Members. (wisconsin.gov)).
- Please forward this email to the Members of the Assembly Elections Committee (**click here** - 2023 Committee on Campaigns and Elections (wisconsin.gov)) and Senate Elections Committee (**click here** - 2023 Committee on Shared Revenue, Elections and Consumer Protection (wisconsin.gov)).
- Please forward this email to all of your "contacts" in your email and text databases.

AMERICAN OVERSIGHT

**Data, Research, Publications. White Papers, News Coverage, Agreements, NGO's, Statutes, etc. on Non-US Citizens Registering to Vote and Actually Voting in Wisconsin**

It is unclear just how severe this potential election integrity issue may be. It is understood this is not a "onesies and twosies" situation.

There is a very simple and short "fix" to this matter if only the Legislative and Administrative wings of the Wisconsin Government could set aside their personal, professional and political differences to focus on doing the right thing for all electors instead of the gamesmanship that seems to occur far too often in Madison for political gain.

Rather than just pretend there is no "there", there, it behooves all electors in Wisconsin to know the truth and put this issue behind us well in advance of the November 2024 Presidential Election to make sure Wisconsin's prized 10 Electoral College Votes are legally and ethically certified for the rightful winner.

We believe all of the statutory, legal, constitutional, administrative and executive mechanisms are in place in Wisconsin to address this issue without another prolonged legal battle to get past the November 2024 election when it will be too late to see how many non-US citizens have registered to vote and may have voted.

Please consider some of the following evidentiary information that will quantify and qualify the potential magnitude and enormity of this situation staring Wisconsin electors in the face:

- Many Wisconsin State Statutes make it abundantly clear and free of any ambiguity that the Administrator of Elections is responsible for retrieving and accepting data from the DMV involving non-US citizens receiving a driver's license to make sure this information is disseminated to Clerks across Wisconsin blocking any attempt of non-US citizens from registering to vote and actually voting (**click here** -Wisconsin Legislature: 343.20, Wisconsin Legislature: 85.61 ,Wisconsin Legislature: 6.34,Wisconsin Legislature: 6.36(1)).
- DMV and WEC are required by HAVA, Title III, 42 USC 15483, SEC. 303., (1), (B) (iv) to exchange voter information (See attached HAVA 66 Pages).
- The DMV and WEC have a 9-page Agreement requiring the exchange of voter registration information for accuracy between the two agencies (See attached WEC DMV Agreement).
- The Governor's Office strongly believes non-US citizen driver's license information needs to be exchange between the DMV and WEC for the Clerks across Wisconsin (See attached Gov. Office DMV WEC).
- Non-US citizens registering to vote and actually voting is a persistent issue for many Clerks across Wisconsin who are willing to speak up (See attached DMV WEC Clerks Driver's License Disclosure for non-US citizens).
- DMV discloses over an approximate 48-month window that 258,356 Wisconsin driver's licenses were issued to non-US citizens along with an additional 41,090 ID cards (See attached DMV WEC Non-US Citizens License).
- PBS actually produced a story on this issue recently with their twist that it rarely occurs in Wisconsin (**click here** - Here and Now | How Often Do non-US Citizens Vote in Wisconsin Elections? | Season 2200 | Episode 2239 | PBS).

AMERICAN OVERSIGHT

- DMV admits they have the data, but aren't required to produce it in a new format as requested (See attached DMV DOT Non-US Citizen Data Response ORR).
- DMV admits an individual must be a US Citizen to vote in Wisconsin through their Fraud Department (See attached DMV Fraud Department Non-US Citizen Driver's License).
- DMV issued voting ID documentation are nearly indistinguishable for citizen vs. non-US citizen for any Poll Worker to see let alone risk asking if the individual presenting their "photo ID" to register to vote or vote is a US citizen (See attached Driver's License for Voting ID Wisconsin and Non-US Citizen Driver's License Wisconsin).
- We agree with Fond du lac County DA that non-US citizen driver's license data information needs to be immediately shared with Clerks across Wisconsin to protect the integrity of the administration of elections and to protect Wisconsin's hard-working Clerks from being thrown under the bus if something goes awry in 2024 with non-US citizens participating in our elections (**click here** - https://www.nbc26.com/fonddulac/fond-du-lac-county-officials-say-noncitizens-wont-be-voting-after-social-media-buzz-on-state-law).
- Speaker Vos appointed Office of Special Counsel documents that many non-US citizens participated in the 2020 Presidential Election (**click here** - Pages 102-103 - Wisconsin Office of the Special Counsel - Second Interim Investigative Report 20220301 - DocumentCloud).
- Many peer-reviewed non-US citizens participating in US election studies have been completed since 2008. These are a handful of these studies including the impact on Wisconsin elections - **click here** - Do non-citizens vote in U.S. elections? - ScienceDirect - Immigration – Just Facts - Quantifying Illegal Votes Cast by Non-Citizens in the Battleground States of the 2020 Presidential Election - Just Facts Daily - non-citizen_voting_expert_report_richman_2023.pdf (justfacts.com) - non-citizen_voter_registration_2022.xls (live.com).
- WEC and the DOC are required to notify all Wisconsin Clerks of those individuals who have "felon status" when it comes to participating in Wisconsin elections (**click here** - ib_felons_vote_ph_2019_10_29 (wisconsin.gov)).
- WEC is required to notify Wisconsin Clerks of those individuals that are declared "mentally incompetent" to prevent them from participating in Wisconsin elections (**click here** - DisplayDocument.pdf (wicourts.gov)).
- The DMV has many flyers available for non-US citizens to get an ID document (See attached DMV Free Voter ID Program Promotional Flyer, DMV ID for Free, DMV Form 3012).
- Removed Administrator of Elections, Meagan Wolfe, agrees to look at the DMV non-US citizen data with WEC in preparation of the November 2024 at public meeting in West Bend earlier this year (**click here** - GUEST EDITORIAL | Keeping Our Republic - Reflections on a recent Election Integrity Community Conversation | By Chris Thompson (washingtoncountyinsider.com)).
- With the influx of millions of illegal aliens since January of 2021 (**click here** - Illegal border crossers total over 10 million since Biden inauguration (msn.com)), this problem is only being exacerbated by Border NGO's that are giving illegal aliens every imaginable type of assistance, including ID cards for Lord knows what (**click here** - https://link.theepochtimes.com/mkt_app/us/ngos-offering-illegal-immigrants-community-id-cards-that-open-door-to-services-critics-call-incentives-5517501).

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- Although too late for the 2024 election, Wisconsin electors will vote on a constitutional amendment in November of 2024 requiring "proof of US citizenship" in order to participate in Wisconsin elections (**click here** -Wisconsin Citizenship Voting Requirement Amendment (2024) - Ballotpedia).
- To support Wisconsin's Clerks, the Legislature must stop the bleeding to prevent all new non-US citizen elector registration attempts through MyVote, USPS mailing of elector registration forms, same-day elector registration or early in-person elector registration.
- A query of all documented and coded DMV non-US citizen issued Wisconsin driver's licenses must be immediately processed by the WEC IT Department, as is required by law and agreements, to remove all non-US citizens from the WisVote 3.6 million eligible registered elector database to assist Wisconsin Clerks. These individuals cannot simply be moved to the WisVote WEC created "inactive" list. These non-US citizens must be completely extracted from the WisVote database.
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**What's the Bottom Line?**

Wisconsin Legislators must immediately exercise their constitutional oversight capacity and force the administrative wing of Wisconsin's constitutional representative government to do their job as is required by the Wisconsin Constitution.

Of course, the liberal and progressive democrats are going to do everything they can to block any administrative attempts to fix this problem that should have been fixed a long time ago even if it means yet another lawsuit in friendly democrat County Circuit Courts.

Election integrity supporters must be willing to sacrifice everything to make sure all attempts to hijack the 2024 election are immediately blocked to make sure Wisconsin's 10 Electoral College Votes are legally and ethically certified to the rightful Presidential Winner.

**Thank you!**

As always, thank you for your patience, understanding and support. Non-US citizens with Wisconsin driver's licenses is an incredibly important election integrity issue that needs to be immediately addressed and with your help, it will be!

With warm regards,

Jefferson E. Davis
Spokesperson
Election Integrity for Wisconsin Ad-Hoc Committee
Full Forensic Physical and Cyber Audit (FFPCA)
262-470-0893 (c)

Sent with Proton Mail secure email.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:13 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 15
Attachments: HAVA 66 Pages.pdf; WEC DMV Agreement (1).pdf; Gov. Office DMV WEC Drivers License Data.jpg; DMV WEC Clerks Drivers License Disclosure for Non-US Citizens.pdf; DMV WEC Non-US Citizens License - Revised.jpg; DMV DOT Non-US Citizen Data Response ORR (1).docx; DMV Fraud Deptartment Non-US Citizen Drivers License.jpg; Drivers License for Voting ID Wisconsin.pdf; Non-US Citizen Drivers License Wisconsin.jpg; DMV Free Voter ID Program Promotional Flyer.pdf; DMV ID for Free.pdf; DMVForm3012 (1).docx

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**Sent:** Tuesday, May 14, 2024 11:38 AM
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**Importance:** High

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AMERICAN OVERSIGHT

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protect the integrity of the administration of elections and to protect Wisconsin's hard-working Clerks from being thrown under the bus if something goes awry in 2024 with non-US citizens participating in our elections (**click here** - https://www.nbc26.com/fonddulac/fond-du-lac-county-officials-say-noncitizens-wont-be-voting-after-social-media-buzz-on-state-law).

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Election integrity supporters must be willing to sacrifice everything to make sure all attempts to hijack the 2024 election are immediately blocked to make sure Wisconsin's 10 Electoral College Votes are legally and ethically certified to the rightful Presidential Winner.

**Thank you!**

As always, thank you for your patience, understanding and support. Non-US citizens with Wisconsin driver's licenses is an incredibly important election integrity issue that needs to be immediately addressed and with your help, it will be!

With warm regards,

Jefferson E. Davis
Spokesperson
Election Integrity for Wisconsin Ad-Hoc Committee
Full Forensic Physical and Cyber Audit (FFPCA)
262-470-0893 (c)

Sent with Proton Mail secure email.

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:14 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 16

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**From:** Reinemann, John
**Sent:** Thursday, April 18, 2024 8:34 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: Questions from Rep. Krug office on voting scenarios

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**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 4:41 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Questions from Rep. Krug office on voting scenarios

Your four points on non-citizenship seem right. Our PIO got some questions from media and prepared this short response you may find helpful:

> The citizenship question is a part of the voter registration process. In order to become a registered voter, an applicant must attest in writing on the registration form that they are a U.S. citizen. Making a false claim of citizenship to an election official to register to vote is a felony and carries serious consequences, up to and including fines and jail time. Wis. Stats. §§ 12.13(1)(b), 12.60(1)(a), 939.50(3)(i). Noncitizens would also potentially face deportation, loss of immigration status, and a prohibition to U.S. citizenship in the future.
>
> Currently in Wisconsin, there is no mechanism available at the polls or elsewhere to conduct real-time checks on a voter's citizenship status. No state or federal law requires the WEC or clerks to verify a voter's citizenship status beyond requiring the voter to certify that they are a U.S. citizen as a qualification for voter eligibility.
>
> Individually, a voter's registration status can be challenged by another elector as outlined in Wisconsin statute § 6.48. Additionally, anyone attempting to vote at an election can be challenged for cause on Election Day by an election inspector or another elector. Wis. Stats. §§ 6.92–6.95. If challenged, an individual will be required to swear an oath and will answer questions so that the individual's eligibility to vote can be confirmed. Wis. Admin. Code § EL 9.01(2). If the individual refuses to take the oath, refuses to answer the questions, or if the answers indicate that the individual is not qualified, the individual will not be allowed to vote. An individual's race, ethnicity, heritage, or English language proficiency alone, without more, cannot constitute cause to bring a challenge to an elector's voting qualifications.

Here are some brief responses to the other questions:

1. In the elections world, there is an "ineligible voter list" used at polling places on Election Day. This list comes from the Department of Corrections, and includes only convicted felons, but its

AMERICAN OVERSIGHT

name creates some confusion. People assume it tracks things that it does not. I've not heard of any "list of ineligibles" maintained by the Department of Transportation. The HAVA/DMV check only verifies that the information in the voter record (name, license number, birthdate, municipality) matches the DOT record, or in some instances, Social Security records. Nothing else is checked, and I'd have to defer to DOT as to what other information they could provide.

2. We still have no documented claims of anyone presenting a fake ID to vote in Wisconsin. Doesn't mean that it's never happened, but no one has filed a complaint with us or otherwise alleged a specific instance of this occurring. We had a case in 2022 where a young man took his mother's photo ID and used it to vote absentee in her name, but that's not really the same thing.

3. As referenced in #1 above, the HAVA/DMV check incorporates a check with the Social Security Administration when a voter does not provide a DOT product during registration. The process actually goes through DOT channels. Like the DMV check, the SSA check only verifies limited information (name, last four, living person).

In general, there are few documented examples of non-citizens voting. It must be one of the only crimes in existence that requires the perpetrator to meticulously document each step of their crime in the public record. (Imagine pre-registering and presenting an ID card to commit a crime?) I like to remind people that while a person's ballot is secret, the fact they voted is not. The name and address of every person who votes in any Wisconsin election is public information. There are a great many groups that pour over the voter records, so they have every opportunity to identify potential non-citizens. Occasionally it happens. But there's no evidence that it is a widespread issue.

Hope this helps.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
https://elections.wi.gov

**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 2:25 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** Questions from Rep. Krug office on voting scenarios

AMERICAN OVERSIGHT

Hi Rob, hope all is well at WEC.

Rob, I have some observations and some questions on voting (or the prevention of voting!) by non-US-Citizens. We had a constituent call and I had some of what he wanted but as I've dug on this questions have occurred to me.

The points of knowledge that I knew included:

1. I know of course about WisStats 6.02 which says that (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 con secutive days before any election where the citizen offers to vote is an eligible elector. There is, of course, no other definition in Chapter 6 about non-citizens who are eligible voters because, of course, no non-citizen is (or may be considered) an eligible voter.

2. The prohibition on non-citizens voting covers really just US President and Vice-Pres, as I understand it, and the feds leave it up to the states to allow noncitizens to vote on other offices if they wish. The most-frequently-cited example I kept finding was that apparently in New York State they tried to allow noncitizen voting in local elections, although that has now been stricken down on constitutional grounds.

3. I know that most voters register to vote on the strength of (among a couple of documents) a WisDOT drivers license or a WisDOT ID. I know that when DOT issues an ID / licenses, checks are made and an affidavit is signed that the recipient is a citizen. And I know that there are penalties for false statements in this regard: s. 343.14(5) says that any applicant for a Wisconsin Identification Card who presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than $1,000, imprisonment for not more than 6 months or both and cancellation of fraudulently obtained Wisconsin Identification Card.

4. I know that when the Ukrainian-citizen voter was noticed in Mequon in the Spring 2023 election, that was detected via the Mequon City Clerk checking with DOT which revealed that the voter was registered with DOT as a "temporary visitor."

I have checked the WEC site and read the FAQ, "What is a HAVA/DMV check and how do they work?" but that left me with a couple of questions. Probably these should go to Rob Kehoe at WEC but let me list them for you.

1. Can you tell me the extent to which voter rolls are checked against the list of "ineligibles" at DOT? Is it a matter of usual course to run a comparison (full or partial), or was the city clerk in this case making an inquiry about this specific case, do you know?

2. I've had inquires about day-of-election voter registrants, and yes the HAVA / DMV check FAQ says that they must present an ID and certain other information. Got that. The FAQ goes on to state, "Poll workers are provided samples of acceptable photo IDs, and there has never been a problem with voters presenting fake photo IDs." I see in another FAQ ("Did thousands of voters fail driver's license checks because they are not real people and possess fraudulent licenses?") that "The Wisconsin Elections Commission has not received a single substantiated report of a

AMERICAN OVERSIGHT

specific person who misrepresented their identity and/or provided a fraudulent driver's license to election officials." **Does that statement still hold today?**

Further afield, are we one of the several (?many?) states that checks status w the Social Security Administration, or do we have some other mechanism I haven't yet hit on here? I think we probably do not check w the SSA. If that's the case, what would it take to start? Does this seem to be worthwhile?

What am I missing that I should be asking about?

Thanks Rob.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:14 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 17

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**From:** Reinemann, John
**Sent:** Thursday, April 18, 2024 8:34 AM
**To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
**Subject:** RE: Questions from Rep. Krug office on voting scenarios

Thank you very much, Rob. This is indeed very helpful.

John

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 4:41 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Questions from Rep. Krug office on voting scenarios

Your four points on non-citizenship seem right. Our PIO got some questions from media and prepared this short response you may find helpful:

> The citizenship question is a part of the voter registration process. In order to become a registered voter, an applicant must attest in writing on the registration form that they are a U.S. citizen. Making a false claim of citizenship to an election official to register to vote is a felony and carries serious consequences, up to and including fines and jail time. Wis. Stats. §§ 12.13(1)(b), 12.60(1)(a), 939.50(3)(i). Noncitizens would also potentially face deportation, loss of immigration status, and a prohibition to U.S. citizenship in the future.
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> Individually, a voter's registration status can be challenged by another elector as outlined in Wisconsin statute § 6.48. Additionally, anyone attempting to vote at an election can be challenged for cause on Election Day by an election inspector or another elector. Wis. Stats. §§ 6.92–6.95. If challenged, an individual will be required to swear an oath and will answer questions so that the individual's eligibility to vote can be confirmed. Wis. Admin. Code § EL 9.01(2). If the individual refuses to take the oath, refuses to answer the questions, or if the answers indicate that the individual is not qualified, the individual will not be allowed to vote. An individual's race, ethnicity, heritage, or English language proficiency alone, without more, cannot constitute cause to bring a challenge to an elector's voting qualifications.

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AMERICAN OVERSIGHT

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Hope this helps.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
https://elections.wi.gov

**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 2:25 PM

AMERICAN OVERSIGHT

**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** Questions from Rep. Krug office on voting scenarios

Hi Rob, hope all is well at WEC.

Rob, I have some observations and some questions on voting (or the prevention of voting!) by non-US-Citizens. We had a constituent call and I had some of what he wanted but as I've dug on this questions have occurred to me.

The points of knowledge that I knew included:

1. I know of course about WisStats 6.02 which says that (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 con secutive days before any election where the citizen offers to vote is an eligible elector. There is, of course, no other definition in Chapter 6 about non-citizens who are eligible voters because, of course, no non-citizen is (or may be considered) an eligible voter.

2. The prohibition on non-citizens voting covers really just US President and Vice-Pres, as I understand it, and the feds leave it up to the states to allow noncitizens to vote on other offices if they wish. The most-frequently-cited example I kept finding was that apparently in New York State they tried to allow noncitizen voting in local elections, although that has now been stricken down on constitutional grounds.

3. I know that most voters register to vote on the strength of (among a couple of documents) a WisDOT drivers license or a WisDOT ID. I know that when DOT issues an ID / licenses, checks are made and an affidavit is signed that the recipient is a citizen. And I know that there are penalties for false statements in this regard: s. 343.14(5) says that any applicant for a Wisconsin Identification Card who presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than $1,000, imprisonment for not more than 6 months or both and cancellation of fraudulently obtained Wisconsin Identification Card.

4. I know that when the Ukrainian-citizen voter was noticed in Mequon in the Spring 2023 election, that was detected via the Mequon City Clerk checking with DOT which revealed that the voter was registered with DOT as a "temporary visitor."

I have checked the WEC site and read the FAQ, "What is a HAVA/DMV check and how do they work?" but that left me with a couple of questions. Probably these should go to Rob Kehoe at WEC but let me list them for you.

1. Can you tell me the extent to which voter rolls are checked against the list of "ineligibles" at DOT? Is it a matter of usual course to run a comparison (full or partial), or was the city clerk in this case making an inquiry about this specific case, do you know?

2. I've had inquires about day-of-election voter registrants, and yes the HAVA / DMV check FAQ says that they must present an ID and certain other information. Got that. The FAQ goes on to state, "Poll workers are provided samples of acceptable photo IDs, and there has never been a problem with voters presenting fake photo IDs." I see in another FAQ ("Did thousands of voters

AMERICAN OVERSIGHT

fail driver's license checks because they are not real people and possess fraudulent licenses?") that "The Wisconsin Elections Commission has not received a single substantiated report of a specific person who misrepresented their identity and/or provided a fraudulent driver's license to election officials." **Does that statement still hold today?**

Further afield, are we one of the several (?many?) states that checks status w the Social Security Administration, or do we have some other mechanism I haven't yet hit on here? I think we probably do not check w the SSA. If that's the case, what would it take to start? Does this seem to be worthwhile?

What am I missing that I should be asking about?

Thanks Rob.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:15 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 18

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**From:** Reinemann, John
**Sent:** Wednesday, April 17, 2024 2:03 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Question on voting

Scott: We had a call here from a Brian Snider in Rapids who wants to talk about non-citizens voting. Does it happen, why can't we do more to prevent it.

He'd left a VM. I called him back and talked to him and ascertained his specific questions. I had a couple of comebacks but he wants detail. I told him I'd get him some more.

I did some digging on the WEC site and I have some suggested items that I wish I'd had ready to give Brian. Maybe you know some of the knowledge items and some answers (below) but I didn't have citations ready.

The items points of knowledge are:

1. I know of course about WisStats 6.02 which says that (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 con secutive days before any election where the citizen offers to vote is an eligible elector. There is, of course, no other definition in Chapter 6 about non-citizens who are eligible voters because, of course, no non-citizen is (or may be considered) an eligible voter.

2. The prohibition on non-citizens voting covers really just US President and Vice-Pres, as I understand it, and the feds leave it up to the states to allow noncitizens to vote on other offices if they wish. The most-frequently-cited example I kept finding was that apparently in New York State they tried to allow noncitizen voting in local elections, although that has now been stricken down on constitutional grounds.

3. I know that most voters register to vote on the strength of (among a couple of documents) a WisDOT drivers license or a WisDOT ID. I know that when DOT issues an ID / licenses, checks are made and an affidavit is signed that the recipient is a citizen. And I know that there are penalties for false statements in this regard: s. 343.14(5) says that any applicant for a Wisconsin Identification Card who presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than $1,000, imprisonment for not more than 6 months or both and cancellation of fraudulently obtained Wisconsin Identification Card.

4. I know that when the Ukrainian-citizen voter was noticed in Mequon in the Spring 2023 election, that was detected via the Mequon City Clerk checking with DOT which revealed that the voter was registered with DOT as a "temporary visitor."

AMERICAN OVERSIGHT

I have checked the WEC site and read the FAQ, "What is a HAVA/DMV check and how do they work?" but that left me with a couple of questions. Probably these should go to Rob Kehoe at WEC but let me list them for you.

a. Do you know the extent to which voter rolls are checked against the list of "ineligibles" at DOT? Is it a matter of usual course to run a comparison (full or partial), or was the city clerk in this case making an inquiry about this specific case, do you know?

b. I get inquires about day-of-election voter registrants, and yes the HAVA / DMV check FAQ says that they must present an ID and certain other information. Got that. The FAQ goes on to state, "Poll workers are provided samples of acceptable photo IDs, and there has never been a problem with voters presenting fake photo IDs." I see in another FAQ ("Did thousands of voters fail driver's license checks because they are not real people and possess fraudulent licenses?") that "The Wisconsin Elections Commission has not received a single substantiated report of a specific person who misrepresented their identity and/or provided a fraudulent driver's license to election officials." **Does that statement still hold today?** (Plainly a WEC question)

Further afield, are we one of the several (?many?) states that checks status w the Social Security Administration, or do we have some other mechanism I haven't yet hit on here? (Again, this probablu needs to go to WEC)

I think Brian Snider would like to talk with you if you are willing. Let me put his number here (414-881-4498) but probably I need to send these questions to Kehoe first, yes?

John

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:16 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 19
Attachments: 05krug_kbo_pjh (2) DOT WEC data sharing.pdf

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**From:** Reinemann, John
**Sent:** Friday, June 21, 2024 4:50 PM
**To:** 'Scott Krug' <scott.krug@gmail.com>
**Subject:** FW: memorandum

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**From:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Sent:** Wednesday, June 5, 2024 11:10 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** FW: memorandum

---

**From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Sent:** Wednesday, June 5, 2024 10:55 AM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Subject:** memorandum

Good morning,

Attached please find the memorandum you requested relating to whether DOT and WEC may share and compare data each agency may possess that identifies a person as a non-citizen. My colleague Katie Bender-Olson took the lead on writing this memo, but please feel free to let me know if you have additional questions or concerns.

Peggy

**Peggy J. Hurley**
Senior Staff Attorney, Wisconsin Legislative Council
608.504.5724 | peggy.hurley@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:17 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 20

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**From:** Kyle Koenen <Kyle@will-law.org>
**Sent:** Thursday, June 6, 2024 10:41 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Meeting Next Tuesday

1:30 sounds great. See you then.

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Date:** Thursday, June 6, 2024 at 10:40 AM
**To:** Kyle Koenen <Kyle@will-law.org>
**Subject:** Re: Meeting Next Tuesday

Hi Kyle. On the road this week, sorry for the delay.

Stop on by. I should be in the office all afternoon (have an 11.00 outside th building).

1.30 or anything after that work for you?

John

---

**From:** Kyle Koenen <Kyle@will-law.org>
**Sent:** Wednesday, June 5, 2024 2:56:36 PM
**To:** Reinemann, John
**Subject:** Meeting Next Tuesday

Hey John,
I hope your summer is going well. I was wondering if you might be around next Tuesday to chat about a few items regarding the non-citizen voting? I'll be in the Capitol and have appointments at 10 AM and 1 PM, but am otherwise free throughout the day.

Regards,

Kyle Koenen
***Policy Director***
Wisconsin Institute for Law & Liberty
330 E. Kilbourn Ave, Suite 725
Milwaukee, WI 53202
Cell: (262) 939-7093
Office: (414) 727-9455

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:19 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 21

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**From:** Reinemann, John
**Sent:** Thursday, June 6, 2024 8:57 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Fw: Request for meeting Next Tuesday

FYI. Any concerns?

John

---

**From:** Kyle Koenen <Kyle@will-law.org>
**Sent:** Wednesday, June 5, 2024 2:56:36 PM
**To:** Reinemann, John
**Subject:** Meeting Next Tuesday

Hey John,
I hope your summer is going well. I was wondering if you might be around next Tuesday to chat about a few items regarding the non-citizen voting? I'll be in the Capitol and have appointments at 10 AM and 1 PM, but am otherwise free throughout the day.

Regards,

Kyle Koenen
***Policy Director***
Wisconsin Institute for Law & Liberty
330 E. Kilbourn Ave, Suite 725
Milwaukee, WI 53202
Cell: (262) 939-7093
Office: (414) 727-9455

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:19 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 22
Attachments: 05krug_kbo_pjh (2) DOT WEC data sharing.pdf

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**From:** Reinemann, John
**Sent:** Wednesday, June 5, 2024 2:49 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Fw: memorandum

Just saw that I had this, it got here late morning today. Will skim shortly but here it is.

John

---

**From:** Rep.Krug
**Sent:** Wednesday, June 5, 2024 11:09:43 AM
**To:** Reinemann, John
**Subject:** FW: memorandum

---

**From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Sent:** Wednesday, June 5, 2024 10:55 AM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Subject:** memorandum

Good morning,

Attached please find the memorandum you requested relating to whether DOT and WEC may share and compare data each agency may possess that identifies a person as a non-citizen. My colleague Katie Bender-Olson took the lead on writing this memo, but please feel free to let me know if you have additional questions or concerns.

Peggy

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One East Main Street, Suite 401, Madison, WI 53703

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:20 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 23

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**From:** Reinemann, John
**Sent:** Wednesday, June 5, 2024 2:48 PM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** Re: memorandum

Thanks very much, Peggy. I am on the road today and will take a look and share w Rep. Krug as well.

Have a good day!

John R.

---

**From:** Rep.Krug
**Sent:** Wednesday, June 5, 2024 11:09:43 AM
**To:** Reinemann, John
**Subject:** FW: memorandum

---

**From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
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AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:21 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 24

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**From:** Reinemann, John
**Sent:** Friday, May 24, 2024 12:07 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Cooperation-on-information statute

20-4 : - )

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**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Friday, May 24, 2024 12:06 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Cooperation-on-information statute

Perfect. Fixing this is our ticket…

Let's keep trying to get it punched. Maybe loop in Mary Curry since her boss has some interest in this space. She can be an extra set of eyes, ears and hands

Scott
Sent from my iPhone

> On May 24, 2024, at 11:54 AM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> Will check w Peggy.
>
> I have a call in to DOT already. Let me call them and tell them a request is coming under s.13.45(7) and give them a chance to comply? I will then have a written request ready to go this afternoon just in case.
>
> John
>
> ---
>
> **From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
> **Sent:** Friday, May 24, 2024 11:52 AM
> **To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
> **Subject:** Re: Cooperation-on-information statute

AMERICAN OVERSIGHT

This is a great path for us actually. Let's make the request as the chair of the committee and if blocked we will schedule a meeting of the committee and take a vote on a committee resolution :)

They can comply early or later publicly

Also, see if Peggy knows if the past committee chair ever used this avenue and to what success it was met with please?

Scott
Sent from my iPhone

On May 24, 2024, at 11:35 AM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:

The statute Peggy Hurley was thinking of, is s.13.45 (7), "Cooperation of State Agencies." It's in a section on Legislative committees, operation and powers thereof.

> *(7) Cooperation of state agencies. The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require.*

Peggy says that this may be less-useful than she initially thought, but she has several related thoughts on the statute.

1. We can always cite the statute when making a request for information (for a list of non-citizens given IDs)

2. Peggy suggests that if an agency wanted to bounce such a request back, they could ask for confirmation that the request is coming from a legislative committee and not merely from a committee chair. Peggy is under the impression that a motion or a resolution might potentially be created and passed with a vote of a committee or even of a legislative house

3. Alternatively, I asked Peggy, maybe an agency would either (a.) not fight a request quite that hard, or (b.) maybe a letter signed by the

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chair of C+E and maybe also the ranking minority member would constitute a statement of “this is a committee asking”

4. Peggy wanted to make sure I / we understood that (a.) s. 13.45 (7) cannot compel an agency to collect information they do not have, and (b.) cannot compel an agency to create a record that does not exist, so if we wanted to compare a list of ID holders to a list of voters, WE might have to request both and arrange for a cross-checking. I assured her we know this but thanked her for reminding me.

That’s the report on the statute. I told Peggy that right now I don’t think we need more from her on this, but she is in today and her direct line at Legis Council is 608.504.5724.

John

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:22 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 25

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**From:** Reinemann, John
**Sent:** Friday, May 24, 2024 11:54 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Cooperation-on-information statute

Will check w Peggy.

I have a call in to DOT already. Let me call them and tell them a request is coming under s.13.45(7) and give them a chance to comply? I will then have a written request ready to go this afternoon just in case.

John

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**Sent:** Friday, May 24, 2024 11:52 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Cooperation-on-information statute

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Also, see if Peggy knows if the past committee chair ever used this avenue and to what success it was met with please?

Scott
Sent from my iPhone

> On May 24, 2024, at 11:35 AM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
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> > *(7) Cooperation of state agencies. The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records*

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*or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require.*

Peggy says that this may be less-useful than she initially thought, but she has several related thoughts on the statute.

1. We can always cite the statute when making a request for information (for a list of non-citizens given IDs)

2. Peggy suggests that if an agency wanted to bounce such a request back, they could ask for confirmation that the request is coming from a legislative committee and not merely from a committee chair. Peggy is under the impression that a motion or a resolution might potentially be created and passed with a vote of a committee or even of a legislative house

3. Alternatively, I asked Peggy, maybe an agency would either (a.) not fight a request quite that hard, or (b.) maybe a letter signed by the chair of C+E and maybe also the ranking minority member would constitute a statement of "this is a committee asking"

4. Peggy wanted to make sure I / we understood that (a.) s. 13.45 (7) cannot compel an agency to collect information they do not have, and (b.) cannot compel an agency to create a record that does not exist, so if we wanted to compare a list of ID holders to a list of voters, WE might have to request both and arrange for a cross-checking. I assured her we know this but thanked her for reminding me.

That's the report on the statute. I told Peggy that right now I don't think we need more from her on this, but she is in today and her direct line at Legis Council is 608.504.5724.

John

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:24 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 26
Attachments: Rep_Krug_E_Update_May_17_2024.docx

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:25 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 27
Attachments: Wisconsin DL-ID_Issuance_Overview .pdf; Document1.docx

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**From:** Reinemann, John
**Sent:** Thursday, May 9, 2024 11:32 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Following up from last week re next week

Hi Kathey. Thank you for the information you've sent.

I recall the line from your message a week ago that more would be coming (see below) and I am following up on that.

I am told by William in Sen. Knodl's office that DOT is aware of our plan (Rep. Krug and Sen. Knodl's plan) to hold an informational hearing on this, next week. Mentioning it here for the sake of thoroughness. We hope to have an agenda out today or tomorrow. Whenever DOT know who will be coming, we'd love to know that also of course.

Let me know when we might know more. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

<<Document1.docx>> <<Wisconsin DL-ID_Issuance_Overview .pdf>>

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Voicemail from last week

Hi John,

I'm glad you followed up with email on this. I didn't catch a voicemail from you, though that has been an issue with my work iPhone from time to time.

I'm getting lots of questions on this subject, and **staff is already pulling the numbers requested. It's a bit of a project, so it will probably be sometime next week before I have something on that.** Our

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Deputy Secretary is my go-to for these questions rather than the Secretary, since she used to be the head of DMV prior to joining us in the Secretary's Office. I'm happy to set up a separate call on that subject to talk through the process/questions. I'm also attaching a memo we put together as an overview on ID issuance.

We process the applications as required by statute. The process is strictly detailed in 343.165(8), which was enacted in 2017 under a republican legislature and governor. Wis. Stat 343.50(1)(c) speaks to the receipt piece: *the department shall issue a receipt to an applicant requesting an identification card free for the purposes of voting for a period not to exceed 60 days. Additionally, the department shall issue a new receipt to the person, that applied via the petition process, not later than 10 days before the expiration date of the prior receipt, and having a date of issuance that is the same as the expiration date of the prior receipt (unless the application has been denied or cancelled)*

RE: the flyer in the email you sent after this- we heard concerns about the wording of it (and our website), so we made some changes. A couple of changes have been made to our website (attached) and flyer (below) in response to that feedback.




AMERICAN OVERSIGHT

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:43 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Voicemail from last week
**Importance:** High

Kathey, I am on your voicemail last week with an inquiry about IDs and their use in voting. Our particular point of interest there is the IDs that get issued on less-than-traditional credentials, especially those issued without a birth certificate (the "IDPP" cards).

Rep. Krug would like to know more about the IDPP card: How many are issued over time? What are the trends? Can we get some assurance (by which I mean some details) on how the process works and how the IDPP is being prevented from becoming a problem in the realm of election security? We are asked these sorts of questions and we feel it behooves us to know more than we currently do.

That is what we want to discuss. We'd like to hear what DOT / DMV has to say about this. Can you start assembling some info?

I suppose this too may come up in a phone call between Rep. Krug and Sec. Thompson so here we are.

Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:26 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 28
Attachments: Document1.docx; Wisconsin DL-ID_Issuance_Overview .pdf; Voting_ID_flyer.jpg

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**From:** Reinemann, John
**Sent:** Wednesday, May 8, 2024 10:14 AM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** FW: DMV response on IDs, step 1

Attached is "Voting_ID_flyer", the (now-replaced) version of the poster that Rep. Krug saw; and also attached is DOT's initial response to my inquiry.

John

---

**From:** Reinemann, John
**Sent:** Thursday, May 2, 2024 2:52 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** DMV response on IDs, step 1

More to come.

Note that Kathey B has made a point of telling us that the flyer you saw has been changed. I've attached the pic of that flyer, that you sent me, just so you have all this in one place.

John

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Voicemail from last week

Hi John,

I'm glad you followed up with email on this. I didn't catch a voicemail from you, though that has been an issue with my work iPhone from time to time.

I'm getting lots of questions on this subject, and staff is already pulling the numbers requested. It's a bit of a project, so it will probably be sometime next week before I have something on that. Our Deputy Secretary is my go-to for these questions rather than the Secretary, since she used to be the head of DMV prior to joining us in the Secretary's Office. I'm happy to set up a separate call on that subject to

AMERICAN OVERSIGHT

talk through the process/questions. I'm also attaching a memo we put together as an overview on ID issuance.

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RE: the flyer in the email you sent after this- we heard concerns about the wording of it (and our website), so we made some changes. A couple of changes have been made to our website (attached) and flyer (below) in response to that feedback.




AMERICAN OVERSIGHT

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:43 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Voicemail from last week
**Importance:** High

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Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:26 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 29
Attachments: Document1.docx; Wisconsin DL-ID_Issuance_Overview .pdf; Voting_ID_flyer.jpg

---

**From:** Reinemann, John
**Sent:** Monday, May 6, 2024 12:47 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** FW: DMV response on IDs, step 1

William: Attached is "Voting_ID_flyer", the (now-replaced) version of the poster that Rep. Krug saw; and also attached is DOT's initial response to my inquiry.

I'll see if Thursday May 16 works for Rep. Krug. Kathey Bilek promises us some data "next week" (which is to say, this week!), and you told me the Senate is in on Tuesday, so…

John

---

**From:** Reinemann, John
**Sent:** Thursday, May 2, 2024 2:52 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** DMV response on IDs, step 1

More to come.

Note that Kathey B has made a point of telling us that the flyer you saw has been changed. I've attached the pic of that flyer, that you sent me, just so you have all this in one place.

John

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**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Voicemail from last week

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Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:43 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Voicemail from last week
**Importance:** High

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AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:28 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 30
Attachments: Wisconsin DL-ID_Issuance_Overview .pdf

---

**From:** Reinemann, John
**Sent:** Monday, March 18, 2024 11:51 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Inquiry from Office of Sen. Knodl
**Importance:** High

Scott, William from the Knodl office came by. Sen. Knodl has been thinking of holding an info hearing that springs from the situation where a Ukrainian woman voted in a school board election in Mequon last November.

Knodl wants to ask DOT, "So, can you produce an ID that has on it "Not for voting in Wisconsin" or some similar language. What would it take? A rule? Can we help you with that?"

William reports that DOT is not cooperating and has indicated that they would not participate. Despite this, Sen. Knodl is considering having a hearing and wonders if you want to participate with Assembly C+E.

His intended timeframe is perhaps early April.

Please see the email below and its original attachment (apparently prepared for the Senator by request) for more information.

Thank you.

John

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Monday, March 18, 2024 11:04 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** FW: Office of Sen Knodl

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, March 15, 2024 2:25 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: Office of Sen Knodl

AMERICAN OVERSIGHT

Hi Bill,

Attached please find a memo from WisDOT re: the issuance of drivers license/ID cards.

Please let me know if you, or other members, have any other questions. Thanks!

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Wednesday, March 6, 2024 11:04 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: Office of Sen Knodl

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thank you, Sen. Knodl is leaving at 1PM. I hope to review it with him before then. Thank you.

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Wednesday, March 6, 2024 9:19 AM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: Office of Sen Knodl

On it. Back in office today

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Wednesday, March 6, 2024 9:18 AM

AMERICAN OVERSIGHT

**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: Office of Sen Knodl

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kathey,

Just following up on the requested info.

Sen. Knodl is in the office today and would like to review it.

Thank you,

**William Neville**
Office of Sen. Dan Knodl | Room 108 South
8th Senate District
William.Neville@legis.wisconsin.gov
608.504.5328

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, March 1, 2024 7:02 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** Re: Office of Sen Knodl

Thanks. When's a good time to connect on Monday?

Get Outlook for iOS

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Friday, March 1, 2024 5:57:04 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: Office of Sen Knodl

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kathey,

AMERICAN OVERSIGHT

Sorry for playing phone tag.

Sen. Knodl is interested in holding an informational hearing later this month.

On Wednesday, I spoke with Tommy Winkler, Jr about the parameters of the hearing.

He said that he would reach out to you.

Thank you for your time,

**William Neville**
Office of Sen. Dan Knodl | Room 108 South
8th Senate District
William.Neville@legis.wisconsin.gov
608.504.5328

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, March 1, 2024 9:40 AM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: Office of Sen Knodl

Hey,

Tried calling again. Call still drops with a 'user busy' message rather than voicemail.

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Neville, William - LEGIS <William.Neville@legis.wisconsin.gov>
**Sent:** Wednesday, February 28, 2024 11:34 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Office of Sen Knodl

Kathey,

I just left you a voicemail. Please call when you have a free moment.

Thank you,

AMERICAN OVERSIGHT

**William Neville**
Office of Sen. Dan Knodl | Room 108 South
8th Senate District
William.Neville@legis.wisconsin.gov
608.504.5328

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:28 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 31

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**From:** Reinemann, John
**Sent:** Thursday, March 14, 2024 11:30 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Bills of interest on the topic of ineligible voters

Thank you!

---

**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Thursday, March 14, 2024 11:30 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Bills of interest on the topic of ineligible voters

I'd add the Photo ID constitutional amendment (1st consideration) AJR78

I'd add a note on AB21/SB26, stating municipal clerks may already remove these names if they so choose.

Scott

Sent from my iPhone

> On Mar 14, 2024, at 11:21 AM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> Rep. Duchow's office (Dan) said to me yesterday, "We are getting a ton of calls asking what bills were introduced to prevent people who shouldn't vote, from voting? And what happened to them?"
>
> I prepared this to share with Dan in the Duchow office. Wanted you to see it before I sent it but it occurs to me this could easily be an E-Update item: "I am sometimes asked, as Chair of C+E, "What did your committee do to prevent people who shouldn't vote, from voting? And what happened to the bills you considered on this?"
>
> More immediately let me know if you want any changes before I pass this to Duchow office please.
>
> LIST:

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AB 21 / SB 26, Relating to: removing ineligible voters from the official voter registration list (Rep. Bodden and Sen. Jacque)

AB 21: No hearing

SB 26: Hearing in Senate Govt Ops, later moved to Shared Revenue, Elections and Consumer Protection

AB 76 / SB 69, Relating to: restoration of the right to vote to a person barred from voting as a result of a felony conviction (Rep. Sortwell and Sen. Stroebel)

AB 76: No hearing

SB 69: Withdrawn from committee on Government Operations and re-referred to committee on Shared Revenue, Elections and Consumer Protection but no hearing either place

AB 93 / SB 98, Relating to: verifying citizenship of individuals on the official voter registration list and contents of operator's licenses and identification cards (Rep. Knodl, later Sen. Knodl, and Sen. Stroebel)

AB 93: Hearing, committee vote (passed in committee); see SB 98

SB 98: Passed by both houses and **vetoed**

AB 494 / SB 582, Relating to: status as an indefinitely confined voter for purposes of automatically receiving absentee ballots and providing a penalty (Rep. Duchow and Sen. Knodl)

AB 494: Passed by both houses and **vetoed**

SB 582: Hearing, committee vote (passed in committee); see AB 494

AB 570 / SB 631, Relating to: certain kinds of election fraud, defects on absentee ballot certificates, returning absentee ballots to the office of the municipal clerk, appointment of election officials, allowing an employee of a residential care facility or qualified retirement home to serve as a personal care voting assistant during a public health emergency or an incident of infectious disease, and providing a penalty (Rep. Maxey and Sen. Jacque)

AB 570: Passed by both houses, **awaiting Governor's action** (sign or veto) as of 3-14-24

SB 631: Hearing, committee vote (passed in committee), see AB 570

AB 572 / SB 593, Relating to: absentee voting in certain residential care facilities and retirement homes and court determinations of incompetency and ineligibility to vote (Rep. Kitchens and Sen. Quinn)

AB 572: Passed by both houses, **awaiting Governor's action** (sign or veto) as of 3-14-24

SB 593: Hearing, committee vote (passed in committee), see AB 572

AJR 76 / SJR 71, To renumber and amend section 1 of article III; and to create section 1 (1) of article III of the constitution; Relating to: eligibility to vote in Wisconsin (second consideration) (Rep. August and Sen. Bradley) (Would bar non-citizens from voting in local, state or federal elections, is slated for the November 2024 ballot)

AJR 76: Hearing, committee vote (passed in committee), see SJR 71

SJR 71: Passed by both houses, **will be on the November 2024 ballot for**

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**consideration by the voters**. If it passes that referendum vote it will become part of the State Constitution

END

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:52 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 33

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**From:** Reinemann, John
**Sent:** Tuesday, April 23, 2024 11:46 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Thoughts from friends

Fair enough! Will do.

John

---

**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Tuesday, April 23, 2024 11:45 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Thoughts from friends

Both Kathy Bernier and Jefferson Davis requested the same thing of us.

Time for us to get involved "officially"

I'd like a request on letterhead sent to DMV after talking directly to the legislative liaison on finding out how many individuals received a free ID for voting purposes through the IDPP (identification card petition process). This process is used if an individual doesn't have a birth certificate or proof of citizenship.

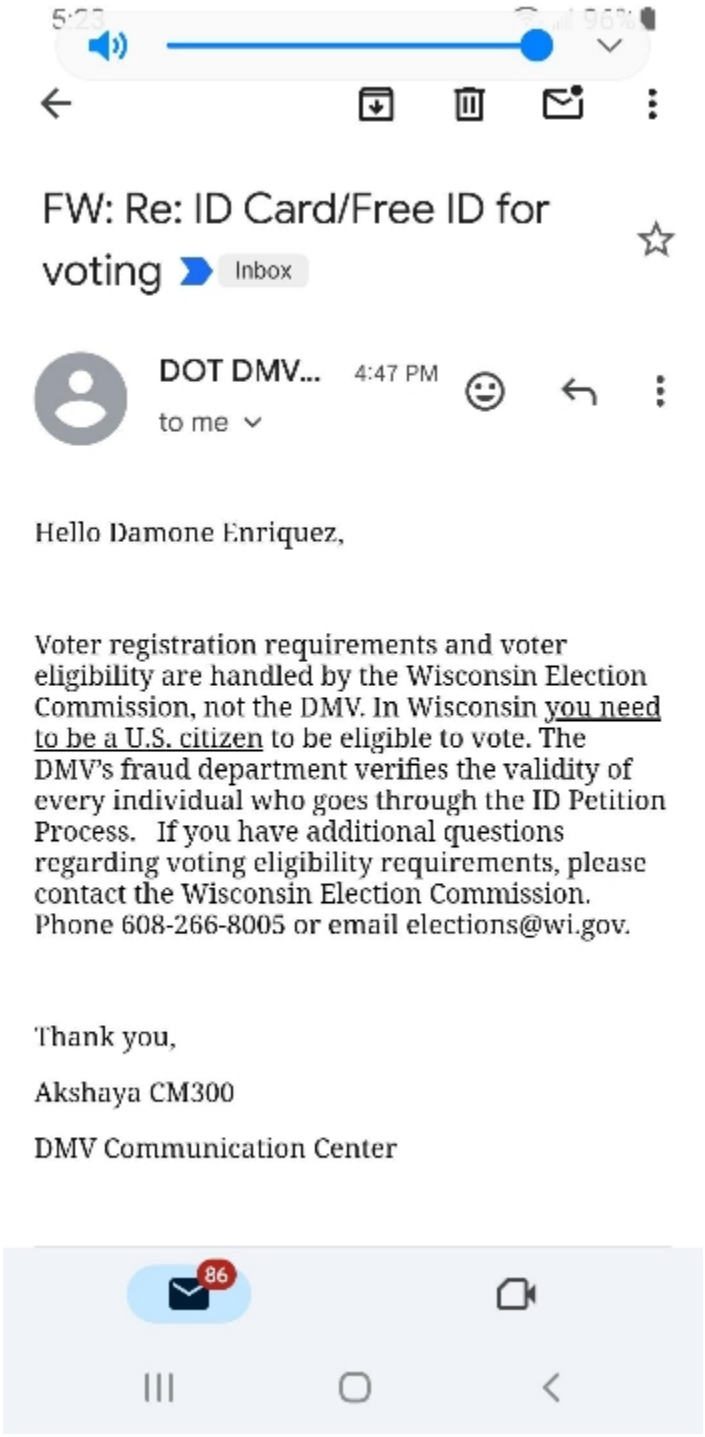
Scott

From Kathy

" Hey Scott, I went to the department of motor vehicles today to find out about free ID for voting purposes. If someone doesn't have a birth certificate proof of citizenship, they can only receive an ID for voting purposes through an identification card petition process. What I would like you to do is to contact DMV/DOT And find out how many people received a free ID with the IDPP process"

From Jefferson

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Sent from my iPhone

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:52 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 34
Attachments: BillsPassedOutOfAssemblyC+P_2023_Session.docx

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**From:** Reinemann, John
**Sent:** Tuesday, April 23, 2024 10:45 AM
**To:** wazeecha@protonmail.ch
**Subject:** FW: Your inquiry about election-security bills in the 2023-24 session

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**From:** Reinemann, John
**Sent:** Friday, April 12, 2024 12:31 PM
**To:** Maro, Ilya <Ilya.Maro@legis.wisconsin.gov>
**Cc:** Trenta, Andrew <Andrew.Trenta@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** Your inquiry about election-security bills in the 2023-24 session

Two responses to your question, in which you asked for a list of all bills that had been passed out of the Assembly Committee on Campaigns and Elections in 2023-24.

Attached is a document listing all the bills that exited the Assembly Committee on Campaigns and Elections this session.

A more-narrow request that I HAVE had before is, “What did the Assembly do this session to increase election security?”

Below is a list of the main bills that Rep. Krug and I feel can be said to increase election security, that came before the Assembly Committee on Campaigns and Elections this session. All these bills also appear in the attached document.

We had over 70 bills introduced  and sent to our committee. Many of them would not have increased election security in the eyes of everyone. Some did not really deal with election security at all; one example is AB 496 which would have required certain elected state officials to serve as election officials. Would it have increased participation? Maybe / probably. But would it have increased actual election SECURITY? Not really.

We did of course have some bills that would have increased election security. We had nine such bills that I put in the list below.

**LIST:**

**AB 21 / SB 26**, Relating to: removing ineligible voters from the official voter registration list (Rep. Bodden and Sen. Jacque) (NOTE: municipal clerks may already remove these names if they so choose)

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AB 21**:** No hearing
SB 26**:** Hearing in Senate Govt Ops, later moved to Shared Revenue, Elections and Consumer Protection

**AB 76 / SB 69**, Relating to: restoration of the right to vote to a person barred from voting as a result of a felony conviction (Rep. Sortwell and Sen. Stroebel)
AB 76: No hearing
SB 69**:** Withdrawn from committee on Government Operations and re-referred to Committee on Shared Revenue, Elections and Consumer Protection but no hearing either place

**AB 93 / SB 98**, Relating to: verifying citizenship of individuals on the official voter registration list and contents of operator's licenses and identification cards (Rep. Knodl, later Sen. Knodl, and Sen. Stroebel)
AB 93: Hearing, committee vote (passed in committee); see SB 98
SB 98: Passed by both houses and **vetoed**

**AB 494 / SB 582**, Relating to: status as an indefinitely confined voter for purposes of automatically receiving absentee ballots and providing a penalty (Rep. Duchow and Sen. Knodl)
AB 494: Passed by both houses and **vetoed**
SB 582: Hearing, committee vote (passed in committee); see AB 494

**AB 570 / SB 631**, Relating to: certain kinds of election fraud, defects on absentee ballot certificates, returning absentee ballots to the office of the municipal clerk, appointment of election officials, allowing an employee of a residential care facility or qualified retirement home to serve as a personal care voting assistant during a public health emergency or an incident of infectious disease, and providing a penalty (Rep. Maxey and Sen. Jacque)
AB 570**:** Passed by both houses, **vetoed** by the Governor on 3-21-24
SB 631: Hearing, committee vote (passed in committee), see AB 570

**AB 572 / SB 593**, Relating to: absentee voting in certain residential care facilities and retirement homes and court determinations of incompetency and ineligibility to vote (Rep. Kitchens and Sen. Quinn)
AB 572**:** Passed by both houses, **vetoed** by the Governor on 3-21-24
SB 593**:** Hearing, committee vote (passed in committee), see AB 572

**AJR 76 / SJR 71**, To renumber and amend section 1 of article III, and to create section 1 (1) of article III of the constitution; Relating to: eligibility to vote in Wisconsin (second consideration) (Rep. August and Sen. Bradley)
AJR 76: Hearing, committee vote (passed in committee), see SJR 71
SJR 71: **Passed by both houses, will be on the NOVEMBER 2024 ballot for consideration by the voters**. If it passes that referendum vote it will become part of the State Constitution.

**AJR 77 / SJR 78**, Relating to: prohibiting state and local governments from using privately sourced moneys or equipment in connection with the conduct of elections and specifying who may perform tasks related to the conduct of an election (second consideration) Rep. August and Sen. Wimberger)
AJR 77: Hearing, committee vote (passed in committee), see SJR 78
SJR 78: **Passed by both houses,** this SJR (containing two questions) **was on the APRIL 2024 ballot for consideration by the voters** and WAS PASSED and so now it will become part of the State Constitution.

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**AJR 78 / SJR 73**, Relating to: requiring photographic identification to vote in any election (**first** consideration, so not on a ballot until SECOND consideration which could come during the 2025-26 session) (Rep. Snyder and Sen. Wanggaard)

AJR 78: Hearing, committee vote (passed in committee), see SJR 73

SJR 73: **Passed by both houses,** this language **will NOT be on a ballot for consideration by the voters until it is passed again by both houses in the 2025-26 legislative session.** After second consideration, assuming the language is approved by the voters, it will become part of the State Constitution.

**I should mention a tenth bill, 2023 AB 567.** This is the "Monday process" bill that Rep. Krug fought so hard for but in the end we could not persuade the Senate to take it up. I can explain more about the bill if you want to hear it, but basically it would have allowed clerks to process (NOT count, just process) absentee votes the day BEFORE an election. Currently this is not allowable under the law, and so absentee ballots are processed on Election Day, AFTER the in-person ballots.

The result has been that large numbers of ballots added to the counted results at the last moments of the count. In 2018 and again in 2022 we saw absentee ballots in Dane and Milwaukee Counties swell the vote counts AND impact the statewide totals in the early-morning hours of the day after the election. (Dane and Milwaukee Counties are our largest counties, so they have large numbers of absentee ballots and On such things are conspiracy theories made, so we'd like to start doing Monday processing and relieve people's anxiety about the counting process.

The question on AB 567 is whether or not your boss wishes to include it in a list of bills that increase election security. Rep. Krug and I believe it will enhance election CREDIBILITY when people stop thinking that elections are being stolen at the last moment by fabricated ballots. We think it was worth doing. But does your boss want to talk about it? Up to him.

AB 567 was passed by the Assembly on a voice vote but the Senate neither voted on AB 567 nor acted on its companion SB 685.

That's what I have. Let me know of any questions. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 1:54 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 35
Attachments: Absentee Ballot Witness Address Q&A_2.9.24.pdf; Permanent Injunction in Leauge of Women Voters v. WEC_2.9.24.pdf; Permanent Injunction in Rise, Inc., et al. v. WEC et al._2.9.24.pdf; Revised and Reissued Communication in White v. WEC_2.9.24.pdf

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**From:** Reinemann, John
**Sent:** Tuesday, February 13, 2024 2:25 PM
**To:** 'Jefferson' <davisforpresident@protonmail.com>
**Subject:** FW: WEC Clerk Communications Relating to Absentee Ballot Certificate Witness Addresses

Per your request, Jefferson, and one more message in a moment.

John Reinemann

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, February 9, 2024 3:05 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** WEC Clerk Communications Relating to Absentee Ballot Certificate Witness Addresses

Hi John,

These are the relevant communications as approved by the Commission yesterday.

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From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:06 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 36
Attachments: Letter to DOT on noncitizen voters 27_June_2024.pdf

-----Original Message-----
From: Reinemann, John
Sent: Thursday, June 27, 2024 3:30 PM
To: Krug, Scott <Scott.Krug@legis.wisconsin.gov>; Mietus, James <James.Mietus@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>
Subject: FW: DOT Letter 13.45(7)

Scanned copy of signed letter, FYI

-----Original Message-----
From: Reinemann, John
Sent: Thursday, June 27, 2024 10:03 AM
To: 'Scott Krug' <skrug@nexthomepartners.com>
Subject: RE: DOT Letter 13.45(7)

I'll share it w Knodl then

-----Original Message-----
From: Scott Krug <skrug@nexthomepartners.com>
Sent: Wednesday, June 26, 2024 4:20 PM
To: Reinemann, John <John.Reinemann@legis.wisconsin.gov>
Subject: DOT Letter 13.45(7)

One typo and a small tweak towards the end, I’m good to go.

Scott

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:08 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 37

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**From:** Reinemann, John
**Sent:** Tuesday, June 18, 2024 2:40 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** Highway inquiry from Rep. Krug office

Hi Kathey, John Reinemann here. Hope Monday is going well.

This morning we had an inquiry from a constituent with a home in rural Wautoma. Mr. Patrick Doyle. Mr. Doyle has had a home, apparently a second home, in Waushara County for (he tells me) 24 years.

Mr. Doyle notes that State Highway 152 was recently repaved. 152 from Wautoma to his small community of Mount Morris WI. Mr. Doyle is unhappy that the shoulders or the aprons or the edges of 152 are not wide enough to safely accommodate car/truck traffic AND bicycles. He points out that the Wautoma area is a tourism area and is of the opinion that more and better options for bicycle travel would enhance tourism in the area and would be viewed as an asset by area residents.

All that said, Mr. Doyle's question to me is how he might suggest and encourage greater accommodation for bicycling along state highways. He is not asking for a separate bike path, he says, just for (as I say) wider shoulders and more room generally for bicycles.

So, from that, let me ask a couple of questions:

1. Who made the plan for Highway 152 that was the guide for the recent re-pave? I assume it was some combination of the DOT and perhaps Waushara County (especially probably the Waushara Co Highway Dept) but that seems a question that may come up again someday so I ask it now.

2. To whom might Mr. Doyle communicate most effectively on his desire to see renovations to Highway 152? Again, I would guess it's some combination of DOT and Waushara County but I don't know the answer.

3. Are you able to shed any light on the cost of re-doing a mile of "ordinary" state highway versus the cost of re-doing a mile of highway AND adding better accommodation for bicycles? Just for a better sense of the request being made?

Is there anything else I should know?

For my own convenience (since I enter these contacts into a database) Mr. Patrick Doyle is at N3346 Pine Lane Road, Wautoma WI 54982, phone 414-587-1462, email pdoyle@aquapoly.com.

Thank you for whatever help you can provide.

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JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:08 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 38
Attachments: Knodl Krug to DOT and WEC re voters.pdf

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**From:** Reinemann, John
**Sent:** Monday, June 3, 2024 12:08 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Cc:** Mietus, James <James.Mietus@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** Letter to DOT and WEC for your reference

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:09 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 39

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**From:** Reinemann, John
**Sent:** Friday, May 17, 2024 3:08 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Yesterday's hearing, E-Update piece

I have a copy of the DOT statement from DOT so we are now complete

---

**From:** Reinemann, John
**Sent:** Friday, May 17, 2024 2:04 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Yesterday's hearing, E-Update piece

Scott, I am hunting down a clean copy of DOT's statement from yesterday that has pages 2 and 4 included (I think the pages made an error copying it) and that doesn't have notes all over it (thanks but no thanks to several committee members). I have calls in, that's not why I'm writing.

This piece I started as an email to a young staffer (see below) but this is also my proposed article for the E-update.

Am I characterizing everything appropriately? Especially interested in any corrections to the "Outcome of the hearing" section. Thank you.

---

DOT some time ago released a poster / graphic that implied that IDs for voting were easy to get. When our office reached out to them about two weeks ago, they shared with us that they had already revised the poster to clarify that CITIZENS are welcome to get a free ID for voting.

The original poster is attached, as is the revised poster. Both posters acknowledged that in some circumstances DOT is able to issue IDs when an applicant lacks one some of the usual documentation expected to obtain an ID.

DOT has a page on its web site that explains how the process works and what its limits are. From that page, DOT offers a link to an explanation of their ID Petition Process (IDPP) that may be used to obtain a receipt valid for voting if some documents are unavailable while the remaining documents or verifications are obtained.

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**We had a hearing on this issue yesterday, Thursday May 16.** We held it in the Assembly Committee on Campaigns and Elections, in conjunction with the Senate Committee on Shared Revenue, Elections and Consumer Protection, which is the relevant committee in the State Senate. The notice is here.

DHS was invited but did not attend; on consideration they decided that their work on citizenship verification really affected only their programs and is not of first importance to the issue of IDs for voting. I can share with you a page from a DHS web site that explains their role in more detail. We did not disagree with their decision and we consider them to be cooperating with us on this effort.

WEC decided that it absolutely had to have a meeting of the WEC Board in regard to the special elections that Governor Evers called on Tuesday, May 14. WEC leadership decided that the WEC meeting HAD to happen at EXATCTLY THE SAME DAY AND TIME as our hearing on Thursday May 16 and that no one from WEC was available to attend the hearing. They did however provide a **written statement which can be found here** (we'll upload it and do a link).

DOT attended and was ably and helpfully represented by Kristina Boardman, who ran the DMV for several years and who recently became Deputy Secretary at DOT. She brought a statement (**also attached again, we can upload and do a link when I have a clean copy**) ) and she answered many questions from members of both committees.

The committees also heard from two county clerks and a county District Attorney.

The outcome of the hearing is that

1. DOT described the steps that are taken now to ascertain that persons seeking IDs are who they claim to be, and to ascertain that IDs useful for voting are issued only to persons with the right to vote. Both legislative committees now have a much better understanding of the system and its strengths as well as its limitations.

2. Because errors do sometimes happen and systems can always be improved, we discussed with DOT the need to "trust but verify" on this issue.

   We discussed in the hearing, steps that could be explored to enhance the security of the Wisconsin ID as regards voting. These steps involve the sharing of data by DOT with WEC and greater accessibility of some information to county clerks. We will be working to make sure these things happen and helping DOT to work with WEC as we strengthen our ID verification and improve our ballot security.

3. We now know more about how we need to continue investigating any potential problems that could potentially allow a non citizen to cast a vote in WI elections. We will be working on this issue before the fall election.

You can see the entire hearing online courtesy of Wisconsin Eye.

Please be assured that I will continue to work on this issue. It's important for all of us.

END

AMERICAN OVERSIGHT

**From:** Earlywine, Aaron <Aaron.Earlywine@legis.wisconsin.gov>
**Sent:** Friday, May 17, 2024 11:53 AM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Subject:** DMV Free Voting ID flyer?

Hi,

I hope you had a nice week. We had a constituent reach out, and I suspect this is just the first of many letters and calls about this topic. She sent us a flyer she says is from the DMV. It offers instructions and requirements for getting an ID for voting. Crucially, it says that if you don't have certain forms of documentation—including Social Security number, proof of Wisconsin residency, birth certificate, or proof of US citizenship—you can still get an ID for voting. In full it says "If you don't have all or any of these… you can still get an ID for voting. Just bring what you have to the DMV, fill out two forms, and you will get a photo ID document in the mail that you can use in time for voting."

Rep. Summerfield asked that I check in with your office as Rep. Krug is on the Campaigns and Elections Committee and might have addressed this recently. Are you guys aware of this flyer or something similar? Have you addressed it before with other constituents—and if so how did you explain it to them? I'm assuming the DMV is within their rights, but I must admit I have to agree with the constituent, the wording on this flyer and the purported process or lack thereof is a bit suspect.

I would appreciate some guidance if you've dealt with this before.

Thanks,

**Aaron Earlywine**
Office of Representative Rob Summerfield
67th Assembly District | (608) 237-9538

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:10 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 40

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**From:** Reinemann, John
**Sent:** Thursday, May 16, 2024 7:12 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Fw: Following up from last week re next week

Shared w James and Bill in Knodl

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**From:** Reinemann, John
**Sent:** Wednesday, May 15, 2024 4:03:02 PM
**To:** Krug, Scott
**Subject:** FW: Following up from last week re next week

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**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Wednesday, May 15, 2024 4:01 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Following up from last week re next week

Hi John,

Thanks for your patience on this.

Included below is the information on all IDs issued free for voting purposes since we began issuing them July 1, 2011:

## IDs Free for Voting Purposes

(July 1, 2011 to May 10, 2024)

| Status | Count | Deceased | Total |
|---|---|---|---|
| Canceled | 719 | 17 | **702** |
| Expired | 170,492 | 38,288 | **132,204** |
| Moved Out of State | 2,686 | 170 | **2,516** |
| Other | 37 | 1 | **36** |
| Surrendered | 146,114 | 2,738 | **143,376** |

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| | | | |
|---|---|---|---|
| Valid | 371,264 | 51,886 | **319,378** |
| Grand Totals | 691,312 | 93,100 | **598,212** |

Include below is the additional detail we captured regarding the 719 ID cards issued free for voting purposes that were canceled between July 1, 2011 and May 10, 2024. 61% percent were canceled due to the product being returned to us as undeliverable in the mail. DMV pointed out that of the ID card applications received which were free for voting purposes, 0.03% were canceled due to fraud.

| | |
|---|---|
| FAILURE TO COMPLY WITH OUR REQUEST | 72 |
| FALSIFIED APPLICATION | 208 |
| UNDELIVERABLE PRODUCT | 439 |
| **Grand Total** | **719** |

Please let me know if you need anything further. Thank you!


*Kathey S. Bilek*
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov


---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 9, 2024 11:32 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Following up from last week re next week


**CAUTION: This email originated from outside the organization.**
**Do not click links or open attachments unless you recognize the sender and know the content is safe.**


Hi Kathey. Thank you for the information you've sent.

I recall the line from your message a week ago that more would be coming (see below) and I am following up on that.

I am told by William in Sen. Knodl's office that DOT is aware of our plan (Rep. Krug and Sen. Knodl's plan) to hold an informational hearing on this, next week. Mentioning it here for the sake of


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thoroughness. We hope to have an agenda out today or tomorrow. Whenever DOT know who will be coming, we'd love to know that also of course.

Let me know when we might know more. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Voicemail from last week

Hi John,

I'm glad you followed up with email on this. I didn't catch a voicemail from you, though that has been an issue with my work iPhone from time to time.

I'm getting lots of questions on this subject, and **staff is already pulling the numbers requested. It's a bit of a project, so it will probably be sometime next week before I have something on that.** Our Deputy Secretary is my go-to for these questions rather than the Secretary, since she used to be the head of DMV prior to joining us in the Secretary's Office. I'm happy to set up a separate call on that subject to talk through the process/questions. I'm also attaching a memo we put together as an overview on ID issuance.

We process the applications as required by statute. The process is strictly detailed in 343.165(8), which was enacted in 2017 under a republican legislature and governor. Wis. Stat 343.50(1)(c) speaks to the receipt piece: *the department shall issue a receipt to an applicant requesting an identification card free for the purposes of voting for a period not to exceed 60 days. Additionally, the department shall issue a new receipt to the person, that applied via the petition process, not later than 10 days before the expiration date of the prior receipt, and having a date of issuance that is the same as the expiration date of the prior receipt (unless the application has been denied or cancelled)*

RE: the flyer in the email you sent after this- we heard concerns about the wording of it (and our website), so we made some changes. A couple of changes have been made to our website (attached) and flyer (below) in response to that feedback.

AMERICAN OVERSIGHT




Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:43 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Voicemail from last week
**Importance:** High

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Kathey, I am on your voicemail last week with an inquiry about IDs and their use in voting. Our particular point of interest there is the IDs that get issued on less-than-traditional credentials, especially those issued without a birth certificate (the "IDPP" cards).

Rep. Krug would like to know more about the IDPP card: How many are issued over time? What are the trends? Can we get some assurance (by which I mean some details) on how the process works and how the IDPP is being prevented from becoming a problem in the realm of election security? We are asked these sorts of questions and we feel it behooves us to know more than we currently do.

That is what we want to discuss. We'd like to hear what DOT / DMV has to say about this. Can you start assembling some info?

I suppose this too may come up in a phone call between Rep. Krug and Sec. Thompson so here we are.

Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:12 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 41

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**From:** Reinemann, John
**Sent:** Thursday, May 2, 2024 2:53 PM
**To:** 'Bilek, Katherine S - DOT' <katherines.bilek@dot.wi.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173

That should be fine. Thank you!

JRe

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 2:02 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173

Sounds good. I've requested some background info/possible options from our project team. I'll reach out to you or the Rep to get that set up once I have something we can share. Would that work?


Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov


---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:52 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Oliinyk, Maryna - LEGIS <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173


**CAUTION: This email originated from outside the organization.**
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He's generally available. We know of an engagement tomorrow morning at 10.00 AM for 30 min, so he should be free other than tomorrow from maybe 9.30 AM until maybe 9.45. You or Sec. Thompson may certainly text him on his cell to set up a time if that shortens the process.

John R.

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:44 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173

Thank you. This helps.

What does next week look like for the Rep as far as availability?


Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov


---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:37 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Oliinyk, Maryna - LEGIS <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173


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The comments from Rep. Krug are that

> *Hwy 80/173 will be closed starting today. This runs through the new district in the Babcock area in Wood Co down into Finley in Juneau County.*
>
> *The town clerk of Finley/Kingston has been working with Rep Kurtz and his staff Danielle on concerns they have on the destruction of local roads that get over utilized by detoured traffic. I promised Ellen (town clerk) that we'd reach out to Sec Thompson at DOT and see how DOT can help keep the town whole on damages caused by DOT detours*


AMERICAN OVERSIGHT

So that is the direction of the inquiry: What help is available for these towns in this circumstance?

John R.

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:34 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173

Thanks, John. Any concerns or issues you can share ahead of that? I can make sure the Secretary is briefed so a conversation can be more productive, earlier on.


Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov


---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:30 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Oliinyk, Maryna - LEGIS <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** RE: highway 80/173


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Yes, this is the issue of the moment.

John

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:25 PM
**To:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>


AMERICAN OVERSIGHT

**Cc:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: highway 80/173

Checking!

Is this what he would like to speak with the Secretary about, or is it about something else?

Thank you

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 12:55 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Subject:** highway 80/173

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Good morning,

I am a legislative assistant in Rep. Krug's office. One of the town clerks in his new district has asked us to reach out to your agency regarding highway 80/173 closing today. The question she has is what can be done by DOT in order to prevent and keep the roads in towns of Finley/Kingston from damages caused by the detours due to this construction.

Additionally, Rep. Krug would like to talk on a phone with Secretary Thomson at his convenience, his phone number is 715-323-3293.

Sincerely,

AMERICAN OVERSIGHT

Maryna Oliinyk
Legislative Assistant
Office of Rep. Krug
608-266-0215

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:13 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 42
Attachments: 2023 AB 230 Testimony.docx

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**From:** Reinemann, John
**Sent:** Monday, February 19, 2024 11:01 AM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
**Subject:** FW: RV bill

---

**From:** Reinemann, John
**Sent:** Monday, February 19, 2024 11:01 AM
**To:** 'Tobias, Adam'
**Subject:** FW: RV bill

---

**From:** Reinemann, John
**Sent:** Monday, February 19, 2024 10:58 AM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** FW: RV bill

---

**From:** Reinemann, John
**Sent:** Friday, February 16, 2024 5:37 PM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
**Subject:** RV bill

Hi Adam. Sorry, I've been snowed under here.

Here is our committee memo on the RV bill. In a moment I will send an email memo explaining what the ASA does. The ASA was done in response to concerns by DOT and has their signoff. There is of course also a WLCS amendment memo on ASA1.

Let me know of any questions. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL

AMERICAN OVERSIGHT

608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:14 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 43
Attachments: asa1_ab230.pdf

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**From:** Reinemann, John
**Sent:** Monday, February 19, 2024 11:01 AM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
**Subject:** FW: ASA1 to AB 230 in this morning's Executive Session on AB 230

---

**From:** Reinemann, John
**Sent:** Monday, February 19, 2024 10:58 AM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** FW: ASA1 to AB 230 in this morning's Executive Session on AB 230

---

**From:** Reinemann, John
**Sent:** Friday, February 16, 2024 5:37 PM
**To:** Tobias, Adam <Adam.Tobias@legis.wisconsin.gov>
**Subject:** FW: ASA1 to AB 230 in this morning's Executive Session on AB 230

This is the memo I referred to in my previous message, Adam. Thanks.

John

---

**From:** Rep.Krug
**Sent:** Thursday, January 11, 2024 9:14 AM
**To:** Rep.Callahan <Rep.Callahan@legis.wisconsin.gov>; Rep.Johnson <Rep.Johnson@legis.wisconsin.gov>; Rep.Behnke <Rep.Behnke@legis.wisconsin.gov>; Rep.Pronschinske <Rep.Pronschinske@legis.wisconsin.gov>; Rep.Rettinger <Rep.Rettinger@legis.wisconsin.gov>; Rep.Schmidt <Rep.Schmidt@legis.wisconsin.gov>; Rep.Ortiz-Velez <Rep.Ortiz-Velez@legis.wisconsin.gov>; Rep.Cabrera <Rep.Cabrera@legis.wisconsin.gov>; Rep.Jacobson <Rep.Jacobson@legis.wisconsin.gov>
**Subject:** ASA1 to AB 230 in this morning's Executive Session on AB 230

Good morning Assembly Committee on Consumer Affairs.

I write today in reference to AB 230, Rep. Krug's bill on RV regulation.

AMERICAN OVERSIGHT

We have had long discussions with the Wisconsin Department of Transportation about this bill. After a lot of back and forth we finally arrived at a version of the bill that is acceptable to the DOT, to the RV Industry Association (the RV manufacturers) as well as to the Wisconsin Recreational Vehicle Dealers Alliance (the RV dealers).

Our agreed-to package is now (finally) ASA1 to AB 230. This was introduced yesterday and we ask for its adoption at the executive session this morning.

The bill still does what we in our office are most interested in, which is clarifying the rights of RV dealers in the state. Let me share with you the LRB analysis:

> *This substitute amendment makes the following changes to the bill:*
> *1. Requires recreational vehicle (RV) manufacturers and distributors to be licensed by the department of transportation.*
> *2. Removes the administrative fine procedure created in the bill and provides instead that the license suspension and revocation procedures that apply to motor*
>
> ---
>
> *vehicle dealers, manufacturers, and distributors apply to RV dealers, manufacturers, and distributors.*
> *3. Requires recreational vehicle dealers to maintain a bond of not less than $50,000 executed in the name of DOT.*
> *4. Creates a definition of RV "distributor" such that the term means "a resident or nonresident who, in whole or in part, sells or distributes new recreational vehicles to recreational vehicle dealers or who maintains distributor representatives."*
> *5. Creates a new, and changes an existing, definition of "fifth-wheel recreational vehicle" such that the term means "a recreational vehicle that is mounted on wheels, that is of a size and weight such that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle."*
> *6. Creates an exception to length limits for vehicles operated on a highway. Under current law, most vehicles may not be operated on a highway if they exceed 45 feet in length. Under the substitute amendment, towed recreational vehicles may be operated on a highway so long as they do not exceed 46 feet in length.*

Again, both professional association have agreed to ASA1 as has Wisconsin DOT.

Please support Wisconsin's RV industry and Wisconsin's RV owners this morning with support for ASA1 to 2023 AB 230 and with a vote to recommend passage of the bill as (we hope) amended. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:15 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 44

---

**From:** Reinemann, John
**Sent:** Wednesday, January 3, 2024 4:39 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: RV bill

Aye

---

**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Wednesday, January 3, 2024 4:39 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: RV bill

Thank god let Callahan office know we're ready for an exec if he'd be so kind

Scott

Sent from my iPhone

> On Jan 3, 2024, at 4:35 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> One bit of good news today, I think we are FINALLY approved to go with the RV bill. DOT JUST NOW at 4.05 signed off on what everyone else agrees to.
>
> I've sent this to be drafted (as you see below) so that's done, we hope.
>
> John
>
> ---
>
> **From:** Reinemann, John
> **Sent:** Wednesday, January 3, 2024 4:34 PM
> **To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
> **Cc:** Emerson, James <James.Emerson@legis.wisconsin.gov>; Kathi Kilgore <kilgore@swandby.com>
> **Subject:** One last change to AB 230 and SB 225 as regards s. 348.07(2)
>
> Hi Eric. Long time no talk, not.

AMERICAN OVERSIGHT

I have what should be our last request on AB 230 / SB 225. We JUST received word from DOT that this meets their needs.

Please see (below) the message from DOT's Kathey Bilek of December 18 in which she asks for an added parenthesis in s. 348.07(2) concerning vehicle length. The relevant section is highlighted in blue.

Please let me know if you have a concern with this solution. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Wednesday, January 3, 2024 4:05 PM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Green light all around from DOT

<image004.jpg>

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

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AMERICAN OVERSIGHT

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, January 3, 2024 12:27 PM
**To:** Angie Diedrich <angie@housingalliance.us>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

All,

Happy New Year!

Just to follow up with this email from December 19th. RVIA feels the substitute amendment looks good and agrees with DOT (and WRVDA) regarding the change to 348.07(2) to reflect the addition of "46 feet for towed recreational vehicle."

Kathey, did DMV have a chance to review and respond to you about the changes in the substitute amendment?

Looking forward to getting this sub amendment squared away and introduced!

Thank you,
Kathi

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Tuesday, December 19, 2023 9:20 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

This all looks great on our end and it is great to get all these statues cleaned up and matching each other. Let us know what you will need next from us John! Thanks!

<image001.png>

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, December 18, 2023 4:50 PM

AMERICAN OVERSIGHT

**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thank you Kathey. We will wait for a full and final comment from all of DOT before proceeding but I know everyone appreciates knowing that progress is being made. Have a nice night.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Monday, December 18, 2023 4:07 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thanks! Waiting to hear back from DMV, but DSP is almost at a full greenlight.

It appears the language is what we discussed so they do not have any concerns with that. The proposed language states a recreational vehicle cannot exceed 46' in 340.01. This is for the definition only, and they've pointed out one important, but pretty simple, fix that got missed when we were discussing this last.

For the legal length of a vehicle, law enforcement would look at 348.07 (1) and (2). 348.07(1) states a single vehicle cannot be operated on a highway in excess of 45 feet. 348.07(2) allows exceptions to that length. There would need to be a new parenthesis added in 348.07(2) stating "46 feet for a towed recreational vehicle."

They provided attached a copy of 348.07 for reference.

<image002.png>

AMERICAN OVERSIGHT



**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Friday, December 15, 2023 3:51 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Emerson, James - LEGIS <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Hi all and Happy Friday!

We received the attached draft this week.

I'm currently being held together by DayQuil so I will look at this more closely on Monday. However, here it is to you now for your examination.

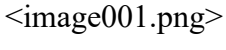
Let me know how this works for you and we'll revisit next week.

John Reinemann

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Monday, December 11, 2023 8:01 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thanks so much John!



---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, December 8, 2023 3:48 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

AMERICAN OVERSIGHT

I did of course remind him about the mileage disclosure difference and he seems unfazed. I don't immediately know how he'll deal with the mechanics but he seems to have a plan. Let's let the drafter get us what he will have for us.

Thanks Angie and (again) I will share what we get, when I get it.

John Reinemann

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Friday, December 8, 2023 2:43 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

It think it would be fine doing a sub. As far as just referencing 218, how would that work since 218.0116(4) references motor vehicle statues and not RV statues? If a towable RV dealer could read the statue and figure out the hearing and appeals process in a reference then it would be fine. The highlighted sections below are the ones that would need to be adjusted.

*218.0116(4)*

*(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am), the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*

*(am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:*

*1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.*

*2. A sale of a ~~motor~~ recreational vehicle without a license under s. 218.0114 (1).*

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*(b) When in the licensor's opinion the best interest of the public or the trade demands it, for conduct or under circumstances specified in ss. 218.0101 to 218.0163 or in rules promulgated by the licensor, the licensor may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.*

*(c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the department of transportation. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this paragraph and issue its decision within 30 days of receiving the appeal.*

<image001.png>

AMERICAN OVERSIGHT

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, December 8, 2023 2:16 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

I just talked to Eric Mueller at LRB who DID have some questions and now we've connected.

1. He suggests doing an Assembly / Senate Sub Amendment to the bill that would include AA1 / SA1, and then of course we just leave AA1 / SA1 alone and don't act on those but instead act on the sub he'll do for us

2. He was wrestling with whether it would be preferable to replicate the language from s. 218 or simply to reference it in an appropriate place. He suggests we accept a reference rather than a complete copying. I told him that should be fine.

We'll see what he sends us.

He thinks early next week and offers that if we need it sooner to let him know.

Soon as I have it I will share it. Thanks all.

John Reinemann

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**Sent:** Friday, December 8, 2023 7:47 AM
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**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>
**Subject:** FW: New Definition of Fifth-Wheel Recreational Vehicle
**Importance:** High

Hi John! Just wondering if the amendment draft is completed. Mick Ferkey has been asking about it. Thanks!

<image001.png>

> **From:** Kathi Kilgore <kilgore@swandby.com>
> **Sent:** Wednesday, November 29, 2023 9:53 AM
> **To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
> **Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
> **Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle

AMERICAN OVERSIGHT

John,

Hope you had a wonderful Thanksgiving with your family.

Just checking in to see if the drafter has gotten you a draft of the new amendment or if he has had any questions regarding the drafting.

Thank you in advance!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

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**Sent:** Thursday, November 16, 2023 11:51 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle

Thank you Kathi. Jim and I will touch base on this later today but I anticipate this going to LRB late today or first thing tomorrow.

JRe

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, November 16, 2023 11:29 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** New Definition of Fifth-Wheel Recreational Vehicle

John and Jim,

Per our conversation yesterday, below is the new, agreed-upon definition of "fifth-wheel recreational vehicle" that should be used for 218.10 (1q) on page

AMERICAN OVERSIGHT

4, lines 4-9 and 340.01 (18m) on page 21, lines 21-25 and page 22, lines 1-2 of the bills

"Fifth-wheel recreational vehicle" means a recreational vehicle mounted on wheels that is of a size and weight that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.

Thank you again for all of your assistance with this legislation. Let us know if you have any questions or concerns.

Thanks!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Kathi Kilgore
**Sent:** Wednesday, November 15, 2023 4:17 PM
**To:** John.Reinemann@legis.wisconsin.gov; James.Emerson@legis.wisconsin.gov
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; KATHERINES.BILEK@dot.wi.gov
**Subject:** Appeals language for amendment to AB230 & SB225

John and Jim,

Thank you for participating in today's call. Sorry that I couldn't get Teams to work on my laptop and could only listen in.

As promised on the call, here is the language DOT requested and WRVDA/RVIA agreed to add regarding hearing and appeals. The language below – minus the yellow highlighted words since RVs don't have a mileage disclosure requirement – is what should be mirrored for RV dealers in the next amendment

*218.0116(4)*

*(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am),*

AMERICAN OVERSIGHT

*the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*
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Thank you for everything. Let us know if you have any questions or concerns.

Thanks,
Kathi

**Kathi Kilgore**
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**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:16 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 45

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**From:** Reinemann, John
**Sent:** Wednesday, January 3, 2024 4:34 PM
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Cc:** Emerson, James <James.Emerson@legis.wisconsin.gov>; Kathi Kilgore <kilgore@swandby.com>
**Subject:** One last change to AB 230 and SB 225 as regards s. 348.07(2)

Hi Eric. Long time no talk, not.

I have what should be our last request on AB 230 / SB 225. We JUST received word from DOT that this meets their needs.

Please see (below) the message from DOT's Kathey Bilek of December 18 in which she asks for an added parenthesis in s. 348.07(2) concerning vehicle length. The relevant section is highlighted in blue.

Please let me know if you have a concern with this solution. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Wednesday, January 3, 2024 4:05 PM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Green light all around from DOT

AMERICAN OVERSIGHT

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

**CAUTION: This email originated from outside the organization.**
**Do not click links or open attachments unless you recognize the sender and know the content is safe.**

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, January 3, 2024 12:27 PM
**To:** Angie Diedrich <angie@housingalliance.us>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

All,

Happy New Year!

Just to follow up with this email from December 19th. RVIA feels the substitute amendment looks good and agrees with DOT (and WRVDA) regarding the change to 348.07(2) to reflect the addition of "46 feet for towed recreational vehicle."

Kathey, did DMV have a chance to review and respond to you about the changes in the substitute amendment?

Looking forward to getting this sub amendment squared away and introduced!

Thank you,
Kathi

**Kathi Kilgore**
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**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Tuesday, December 19, 2023 9:20 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

This all looks great on our end and it is great to get all these statues cleaned up and matching each other. Let us know what you will need next from us John! Thanks!

Angie Diedrich
EXECUTIVE DIRECTOR | WI RV DEALERS ALLIANCE
DEPUTY DIRECTOR | WISCONSIN HOUSING ALLIANCE
FINANCE DIRECTOR | TOMORROW'S HOME FOUNDATION
(608) 255-3131
angie@housingalliance.us
258 Corporate Dr. Suite 200C
Madison, WI 53714

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, December 18, 2023 4:50 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thank you Kathey. We will wait for a full and final comment from all of DOT before proceeding but I know everyone appreciates knowing that progress is being made. Have a nice night.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Monday, December 18, 2023 4:07 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>

AMERICAN OVERSIGHT

**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thanks! Waiting to hear back from DMV, but DSP is almost at a full greenlight.

It appears the language is what we discussed so they do not have any concerns with that. The proposed language states a recreational vehicle cannot exceed 46' in 340.01. This is for the definition only, and they've pointed out one important, but pretty simple, fix that got missed when we were discussing this last.

For the legal length of a vehicle, law enforcement would look at 348.07 (1) and (2). 348.07(1) states a single vehicle cannot be operated on a highway in excess of 45 feet. 348.07(2) allows exceptions to that length. There would need to be a new parenthesis added in 348.07(2) stating "46 feet for a towed recreational vehicle."

They provided attached a copy of 348.07 for reference.

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**348.07 Length of vehicles. (1)** No person, without a permit therefor, may operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of 2 vehicles with an overall length in excess of 70 feet, except as otherwise provided in subs. (2), (2a), (2m), (2r), and (4m) and s. 348.08 (1).

**(2)** The following vehicles may be operated without a permit for excessive length if the overall length does not exceed the indicated limitations:

(e) 1. Sixty feet for an implement of husbandry that is a single vehicle.

2. Except as provided in subd. 3., 100 feet for implements of husbandry that are 2–vehicle combinations and for 2–vehicle combinations transporting by trailer or semitrailer implements of husbandry to or from a farm–related destination.

3. No length limitation for an implement of husbandry that is an irrigation system in combination with a farm tractor, farm truck, farm truck tractor, or motor truck temporarily operated upon a highway.

(f) No overall length limitation for a tractor–semitrailer combination, a double bottom or an automobile haulaway when such tractor–semitrailer combination, double bottom or automobile haulaway is operated on a highway designated under sub. (4).

(fm) No length limitation for a truck tractor or road tractor when such truck tractor or road tractor is operated in a tractor–semitrailer combination or as part of a double bottom or an automobile haulaway on a highway designated under sub. (4).

(fs) 75 feet for a tractor–semitrailer combination, except as provided in par. (f) or sub. (4m).

(g) 48 feet for a semitrailer or trailer operated as part of a 2–vehicle combination, except as provided in par. (gr) or (gv).

(gm) 28 feet 6 inches for a semitrailer or trailer operated as part of a double bottom on a highway designated under sub. (4).

(gr) 53 feet for a semitrailer whose length from kingpin to axle does not exceed 43 feet and which is operated as part of a 2–vehicle combination on a highway designated under sub. (4). The length limits in this paragraph do not apply to a trailer or a semitrailer that is authorized to operate under par. (im).

(gv) 53 feet for a semitrailer whose length from kingpin to axle does not exceed 43 feet and which is operated as part of a 2–vehicle combination, except as provided in par. (gr) or sub. (4m). The length limits in this paragraph do not apply to a trailer or a semitrailer that is authorized to operate under par. (im).

(h) Sixty–six feet for articulated buses operated in urban areas.

(im) Seventy–five total feet for a 2–vehicle combination designed and primarily used for transporting livestock, if the trailer or semitrailer, measured as required by sub. (3) (b), is not longer than 53 feet, the trailer or semitrailer is equipped with at least 2 axles, and the towing vehicle is not a motor truck, truck tractor, road tractor, or combination vehicle with a gross vehicle weight rating or actual gross weight of 10,000 pounds or less.

(j) 66 feet for an automobile haulaway plus an additional overhang of 4 feet to the front of the vehicle and 5 feet to the rear of the vehicle.

AMERICAN OVERSIGHT

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

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**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Friday, December 15, 2023 3:51 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Emerson, James - LEGIS <James.Emerson@legis.wisconsin.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Hi all and Happy Friday!

We received the attached draft this week.

I'm currently being held together by DayQuil so I will look at this more closely on Monday. However, here it is to you now for your examination.

Let me know how this works for you and we'll revisit next week.

John Reinemann

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Monday, December 11, 2023 8:01 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

Thanks so much John!

AMERICAN OVERSIGHT

Angie Diedrich
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FINANCE DIRECTOR | TOMORROW'S HOME FOUNDATION
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**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, December 8, 2023 3:48 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle (AB 230 and SB 225)

I did of course remind him about the mileage disclosure difference and he seems unfazed. I don't immediately know how he'll deal with the mechanics but he seems to have a plan. Let's let the drafter get us what he will have for us.

Thanks Angie and (again) I will share what we get, when I get it.

John Reinemann

---

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**Sent:** Friday, December 8, 2023 2:43 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
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John Reinemann

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**Cc:** Kathi Kilgore <kilgore@swandby.com>; Amy Bliss <amy@housingalliance.us>
**Subject:** FW: New Definition of Fifth-Wheel Recreational Vehicle
**Importance:** High

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**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
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**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle

John,

Hope you had a wonderful Thanksgiving with your family.

Just checking in to see if the drafter has gotten you a draft of the new amendment or if he has had any questions regarding the drafting.

Thank you in advance!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

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**To:** Kathi Kilgore <kilgore@swandby.com>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle

Thank you Kathi. Jim and I will touch base on this later today but I anticipate this going to LRB late today or first thing tomorrow.

JRe

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, November 16, 2023 11:29 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** New Definition of Fifth-Wheel Recreational Vehicle

John and Jim,

Per our conversation yesterday, below is the new, agreed-upon definition of "fifth-wheel recreational vehicle" that should be used for 218.10 (1q) on page 4, lines 4-9 and 340.01 (18m) on page 21, lines 21-25 and page 22, lines 1-2 of the bills

"Fifth-wheel recreational vehicle" means a recreational vehicle mounted on wheels that is of a size and weight that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.

Thank you again for all of your assistance with this legislation. Let us know if you have any questions or concerns.

Thanks!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599

AMERICAN OVERSIGHT

**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Kathi Kilgore
**Sent:** Wednesday, November 15, 2023 4:17 PM
**To:** John.Reinemann@legis.wisconsin.gov; James.Emerson@legis.wisconsin.gov
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; KATHERINES.BILEK@dot.wi.gov
**Subject:** Appeals language for amendment to AB230 & SB225

John and Jim,

Thank you for participating in today's call. Sorry that I couldn't get Teams to work on my laptop and could only listen in.

As promised on the call, here is the language DOT requested and WRVDA/RVIA agreed to add regarding hearing and appeals. The language below – minus the yellow highlighted words since RVs don't have a mileage disclosure requirement – is what should be mirrored for RV dealers in the next amendment

*218.0116(4)*

*(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am), the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*

*(am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:*

*1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.*

*2. A sale of a motor vehicle without a license under s. 218.0114 (1).*

*3. Intentionally fraudulent conduct related to certificates of title, mileage disclosure, or use of personal identifying information, as defined in s. 943.201 (1) (b).*

*(b) When in the licensor's opinion the best interest of the public or the trade demands it, for conduct or under circumstances specified in ss. 218.0101 to 218.0163 or in rules promulgated by the licensor, the licensor may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.*

*(c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the department of transportation. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this paragraph and issue its decision within 30 days of receiving the appeal.*

Thank you for everything. Let us know if you have any questions or concerns.

Thanks,
Kathi

AMERICAN OVERSIGHT

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

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From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:16 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 46

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**From:** Reinemann, John
**Sent:** Thursday, December 7, 2023 10:13 AM
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Subject:** Yet more changes to AB 230 and SB 225

Hi Eric. Hope you're well.

We are back with yet another set of mods to AB 230 and SB 225.

So, I think the latest we have is AA1 to AB 230 and the same SA1 to SB 225. Is that correct?

We now have a few more changes which are explained below. DOT has made some requests and the associations have yielded.

Look at the substance of the changes please and then use your best tactical sense to tell me if we need an AA2 / SA2, or an ASA / SSA. We want this to be easy for everyone as you can imagine.

Changes: Two really.

1. We have a new, agreed-upon definition of "fifth-wheel recreational vehicle" that should be used for 218.10 (1q) on page 4, lines 4-9 and 340.01 (18m) on page 21, lines 21-25 and page 22, lines 1-2 of the bills

   *"Fifth-wheel recreational vehicle" means a recreational vehicle mounted on wheels that is of a size and weight that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.*

2. We also have new language that would amend s. 218.0116 (4) as below. This deals with licensure of RV dealers. DOT requested and WRVDA/RVIA agreed to add the below regarding hearing and appeals. The language below – minus the ~~red struckthrough words~~ since RVs don't have a mileage disclosure requirement – is what should be mirrored for RV dealers in the next amendment.

   *218.0116(4) (**This is EXISTING LANGUAGE that SHOULD BE ADDED TO AB 230 to apply for RV Dealers**)*

   *(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am), the order suspending or revoking the license*

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*shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*
*(am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:*
*1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.*
*2. A sale of a motor vehicle without a license under s. 218.0114 (1).*
*3. Intentionally fraudulent conduct related to certificates of title, **~~mileage disclosure~~**, or use of personal identifying information, as defined in s. 943.201 (1) (b).*
*(b) When in the licensor's opinion the best interest of the public or the trade demands it, for conduct or under circumstances specified in ss. 218.0101 to 218.0163 or in rules promulgated by the licensor, the licensor may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.*
*(c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the department of transportation. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this paragraph and issue its decision within 30 days of receiving the appeal.*

That would seem to do it, Eric. Of course please call or email w any questions.

Headed to the district right now, my cel is 608-371-9669 or we can talk tomorrow.

Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:17 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 47

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**From:** Reinemann, John
**Sent:** Tuesday, December 5, 2023 4:10 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Abuse posters bills

I was visited briefly last week by former Rep. Loudenbeck who as you know is now w School Choice Wisconsin. That visit was a drop-in, today was the appointment she'd made last week.

She brought w her an officer of SCW who has been a Catholic school teacher (as well as a public school teacher).

They made the case that in parochial schools the school attempts / offers the model of being more of a community to students than is the case in a public school. It would be their hope, they said, that any student suffering abuse at one of their schools would
1. Be identified by the school as being at-risk or even endangered,
2. They would hope that some adult IN THE SCHOOL would be a student's first point of contact when abused
3. That having an abused kid call the COUNTY to ask about options and report the situation, would be an end-around the child's own community
4. Could be confusing in a school that serves students from more than one county, and
5. Surely a school official is less likely to drop the ball on a personal connection to a student than some overworked county employee at a courthouse.

Okay, say I, so… your ask is, What?

They want private schools removed from the bill.

THAT one took me back a bit.

Maybe you could direct DPI to do a generic poster and make it voluntary? Was their followup.

Amy tried to liken it to an effort some years ago that started w required posting of human trafficking posters, and then morphed into a requirement that DOT produce a poster that could be posted voluntarily (which is how things ended up).

I said, well, let me take this to the Representative. So now I have.

I'm still a little slackjawed.

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But then I'm Catholic and there's a whole history there that leaves me thinking that not EVERY kid in every private school is GONNA WANNA TRUST their school / church / community either. I refrained from bringing THAT up with them.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:53 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 48

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**From:** Reinemann, John
**Sent:** Thursday, November 16, 2023 11:51 AM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** RE: New Definition of Fifth-Wheel Recreational Vehicle

Thank you Kathi. Jim and I will touch base on this later today but I anticipate this going to LRB late today or first thing tomorrow.

JRe

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, November 16, 2023 11:29 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** New Definition of Fifth-Wheel Recreational Vehicle

John and Jim,

Per our conversation yesterday, below is the new, agreed-upon definition of "fifth-wheel recreational vehicle" that should be used for 218.10 (1q) on page 4, lines 4-9 and 340.01 (18m) on page 21, lines 21-25 and page 22, lines 1-2 of the bills

"Fifth-wheel recreational vehicle" means a recreational vehicle mounted on wheels that is of a size and weight that a special highway movement permit is not required, and that is designed to be towed by a motor vehicle utilizing a king pin and fifth wheel coupling device mounted above or forward of the rear axle of the tow vehicle.

Thank you again for all of your assistance with this legislation. Let us know if you have any questions or concerns.

Thanks!

AMERICAN OVERSIGHT

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Kathi Kilgore
**Sent:** Wednesday, November 15, 2023 4:17 PM
**To:** John.Reinemann@legis.wisconsin.gov; James.Emerson@legis.wisconsin.gov
**Cc:** Michael Ochs <mochs@rvia.org>; Angie Diedrich <angie@housingalliance.us>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; KATHERINES.BILEK@dot.wi.gov
**Subject:** Appeals language for amendment to AB230 & SB225

John and Jim,

Thank you for participating in today's call. Sorry that I couldn't get Teams to work on my laptop and could only listen in.

As promised on the call, here is the language DOT requested and WRVDA/RVIA agreed to add regarding hearing and appeals. The language below – minus the yellow highlighted words since RVs don't have a mileage disclosure requirement – is what should be mirrored for RV dealers in the next amendment

*218.0116(4)*

*(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am), the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*

*(am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:*

*1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.*

*2. A sale of a motor vehicle without a license under s. 218.0114 (1).*

*3. Intentionally fraudulent conduct related to certificates of title, mileage disclosure, or use of personal identifying information, as defined in s. 943.201 (1) (b).*

*(b) When in the licensor's opinion the best interest of the public or the trade demands it, for conduct or under circumstances specified in ss. 218.0101 to 218.0163 or in rules promulgated by the licensor, the licensor may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.*

*(c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the department of transportation. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this paragraph and issue its decision within 30 days of receiving the appeal.*

Thank you for everything. Let us know if you have any questions or concerns.

Thanks,
Kathi

AMERICAN OVERSIGHT

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:54 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 49

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**From:** Reinemann, John
**Sent:** Friday, November 10, 2023 10:50 AM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Angie Diedrich <angie@housingalliance.us>
**Subject:** RE: AB230 & SB225 fiscal estimate

Hi Kathi. About to fly out the door for a meeting but will review later today.

Meanwhile, Yes I can be on a Teams call next Wednesday at 3.30 PM.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Friday, November 10, 2023 10:44 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Angie Diedrich <angie@housingalliance.us>
**Subject:** FW: AB230 & SB225 fiscal estimate

John and Jim,

Just wanted to keep you in the loop about the conversation with the DOT. We are meeting with DOT staff via Teams on Wednesday at 3:30. We have already agreed to include language to mirror the appeals process in 218.0116(4) minus the mileage disclosure. Is that okay with you both?

The definition of fifth-wheel recreational vehicles is the (hopefully) final hold up. Once we get more information from DOT about what they want we will send it to you, but in the meantime, we continue to not understand this line in the sand for them.

Would it be appropriate for one or both of you to also join in the meeting on Wednesday?

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Thanks and have a good weekend!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, November 10, 2023 10:02 AM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Cc:** Angie Diedrich <angie@housingalliance.us>; Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: AB230 & SB225 fiscal estimate

Thanks! I'll send a teams one over after my next meeting. I've also got some discussion I can share as to why we're making the definition argument. The number of the fiscal would change depending on where this lands, which is why we're not comfortable submitting until this is resolved.

*Kathey S. Bilek*
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Friday, November 10, 2023 9:53 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Angie Diedrich <angie@housingalliance.us>; Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: AB230 & SB225 fiscal estimate

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Kathey,

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Nov 15th at 3:30 CT will work for us. Do you want me to send a Zoom invitation or will you be sending at Teams invitation?

We are in agreement with accepting DOT's request to add the mirrored appeals language.

However, the area of disagreement continues to be about the definition of fifth wheel recreational vehicles. As has been stated, we are concerned about DOT's request to add the term "kingpin" to the proposed definition – a definition that we have been proposing since the bill was introduced in April. "Kingpin" is not in the current statutory definition of fifth wheel recreational vehicles so we do not understand why it is now necessary to be added and why it is a reason to hold up the fiscal estimate and the bill. Could DOT please propose some specific language for us to review on/before Wednesday so we have a better understanding of what is acceptable to the DOT?

Thank you and we look forward to the conversation on Wednesday.

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, November 10, 2023 8:43 AM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Cc:** Angie Diedrich <angie@housingalliance.us>; Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

Hi Kathi,

Would either the 14th at 2pm, or the 15th at 3:30 work?

Adding to the comments re: appeals language we'd like mirrored: We'd still like to mirror what already exists, with one exception since RVs don't have a mileage disclosure requirement. The only part we'd like to see different for RVs is under (am)(3)…
*3. Intentionally fraudulent conduct related to certificates of title, mileage disclosure, or use of personal identifying information, as defined in s. 943.201 (1) (b).*

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Friday, November 10, 2023 6:54 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Angie Diedrich <angie@housingalliance.us>; Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>
**Subject:** Re: AB230 & SB225 fiscal estimate

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Kathey,

Checking in to see if you have been able to settle on a date/time for the meeting next week.

Thanks in advance!

Kathi Kilgore

Sent from my iPhone

> On Nov 8, 2023, at 2:05 PM, Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov> wrote:
>
> Quick update that I'm looking at times 1:30and later for those dates. Legal and DSP are still connecting, which is my current holdup in landing a date.
>
> In the meantime, for Hearing and Appeals, below is the language we want mirrored for RV dealers.
>
> *218.0116(4)*
> *(a) Except as provided in par. (am), no license may be suspended or revoked except after a hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. Except as provided in par. (am), the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.*
> *(am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:*
> *1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.*
> *2. A sale of a motor vehicle without a license under s. 218.0114 (1).*
> *3. Intentionally fraudulent conduct related to certificates of title, mileage disclosure, or use of personal identifying information, as defined in s. 943.201 (1) (b).*
> *(b) When in the licensor's opinion the best interest of the public or the trade demands it, for conduct or under circumstances specified in ss. 218.0101 to 218.0163 or in rules promulgated by the licensor, the licensor may suspend a license upon not less than 24*

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*hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.*
*(c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the department of transportation. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this paragraph and issue its decision within 30 days of receiving the appeal.*

<image001.jpg>

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Bilek, Katherine S - DOT
**Sent:** Tuesday, November 7, 2023 10:38 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

We can make that work. I'll look at calendars now and will also make sure we have some proposed language.

I'll circle back shortly

<image001.jpg>

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Tuesday, November 7, 2023 10:12 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT

AMERICAN OVERSIGHT

<Reed.McGinn@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

**CAUTION: This email originated from outside the organization.
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Kathey,

We would be available on the afternoons of Tuesday and Wednesday next week. Would you and your colleagues have some availability during those timeframes?

Also, would it be possible for DOT to have some potential language or ideas for language to address the remaining DOT concerns?

Thank you!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Tuesday, November 7, 2023 9:20 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

Hi Kathi,

Happy to get a meeting scheduled. I think it would be easier if you sent over some dates. I'll be out of state at a conference next week and will need to step away to take this meeting. I can check your availability against the conference agenda and see what would work best.

Thank you!

<image001.jpg>

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912

AMERICAN OVERSIGHT

KatherineS.Bilek@dot.wi.gov

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, November 6, 2023 8:18 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>
**Cc:** Amy Bliss <amy@housingalliance.us>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

**CAUTION: This email originated from outside the organization.**
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Kathey,

Could you get some dates/times to me for a Zoom meeting between RVIA/WRVDA and you/your DOT colleagues for next week so we can try to work through DOT's issues?

Thank you!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, November 2, 2023 3:44 PM
**To:** Angie Diedrich <angie@housingalliance.us>
**Cc:** Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: AB230 & SB225 fiscal estimate

Hi Angie,

Thanks for checking in! Sorry I couldn't be available for the call earlier this week.

I just spoke with one of the authors' offices about this earlier today because we still have standing concerns relating to the comments we shared on 10/19. I understand there was

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some disagreement about the fifth-wheel issue, so I communicated to the office that the department's plan is to have our legal team review the issue and weigh in before we move forward. On the appeals issue, it's important to us to see the bill amended to mirror the MV dealer process to keep up with current practice rather than reintroducing an outdated practice.

We are not comfortable with moving forward until the issue has been run to ground, and if necessary, resolution has been reached. Happy to get the group together and include Kathi, who was not on the last call, once we've researched the fifth-wheel bit.

Have a great weekend!

<image001.jpg>

Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Thursday, November 2, 2023 3:27 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Cc:** Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** AB230 & SB225 fiscal estimate

**CAUTION: This email originated from outside the organization.**
**Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Kathey! I saw in the Senate testimony on SB225, a fiscal estimate was mentioned. Do you happen to know is the fiscal estimate for AB230 & SB225 has been completed? AB230 was on the schedule for the Assembly Consumer Protections Committee Executive Session this morning but got pull last minute because they still had not received the fiscal estimate. Any insight you can offer would be greatly appreciated. Thanks!

<image002.png>

**WHA's Annual Conference on November 8th & 9th is coming up quick! It'll be one to remember with a lot of giveaways and fun activites – register today!**

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https://housingalliance.us/events-education/calendar/#id=168&wid=901&cid=1202

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From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:55 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 50
Attachments: TAP Link the Lakes support letter for Town of Rome.pdf

---

**From:** Reinemann, John
**Sent:** Monday, October 23, 2023 3:41 PM
**To:** 'Lisa Kubis' <lkubis@visitromewi.com>
**Subject:** FW: Resubmission of TAP Grant for Link the Lakes

Lisa: We found and fixed a couple of mistakes, changed the date, and here it is again.

If we were the reason this has to be revisited we obviously apologize : - / but hopefully this will help.

Let us know if you need something more. Thank you and good luck.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Sent:** Monday, October 23, 2023 2:32 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Resubmission of TAP Grant for Link the Lakes

Updated, please check one more time

---

**From:** Oliinyk, Maryna
**Sent:** Monday, October 23, 2023 2:07 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Resubmission of TAP Grant for Link the Lakes

Would this work John?

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, October 23, 2023 2:03 PM
**To:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** FW: Resubmission of TAP Grant for Link the Lakes

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**From:** Lisa Kubis <lkubis@visitromewi.com>
**Sent:** Friday, October 20, 2023 3:36 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Resubmission of TAP Grant for Link the Lakes

Hi John,

The attached Letter of Support was submitted with our TAP Grant Application in March of 2023, for which we were not awarded funding. We are resubmitting our application next week with some recommended adjustments from our DOT Regional Contact and hoping we can use this same Letter of Support? Please let me know if this is acceptable.

Thanks much,
Lisa

**Lisa Kubis**
Executive Director
Visit Rome Wisconsin
715.325.3090
lkubis@visitromewi.com

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:55 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 51

---

**From:** Reinemann, John
**Sent:** Friday, October 20, 2023 4:06 PM
**To:** 'Lisa Kubis' <lkubis@visitromewi.com>
**Subject:** RE: Resubmission of TAP Grant for Link the Lakes

I offered : - )

Have a great weekend, Lisa!

John Reinemann

---

**From:** Lisa Kubis <lkubis@visitromewi.com>
**Sent:** Friday, October 20, 2023 3:52 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Resubmission of TAP Grant for Link the Lakes

Thanks John – if it's not too much trouble, a version with current date would be great.
Lisa

**Lisa Kubis**
Executive Director
Visit Rome Wisconsin
715.325.3090
lkubis@visitromewi.com

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, October 20, 2023 3:38 PM
**To:** Lisa Kubis <lkubis@visitromewi.com>
**Subject:** RE: Resubmission of TAP Grant for Link the Lakes

If that works for you we would be pleased to stand by what we said!

Would you like a version with a new date?

John Reinemann

AMERICAN OVERSIGHT

**From:** Lisa Kubis <lkubis@visitromewi.com>
**Sent:** Friday, October 20, 2023 3:36 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Resubmission of TAP Grant for Link the Lakes

Hi John,

The attached Letter of Support was submitted with our TAP Grant Application in March of 2023, for which we were not awarded funding. We are resubmitting our application next week with some recommended adjustments from our DOT Regional Contact and hoping we can use this same Letter of Support? Please let me know if this is acceptable.

Thanks much,
Lisa

**Lisa Kubis**
Executive Director
Visit Rome Wisconsin
715.325.3090
lkubis@visitromewi.com

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:56 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 52

**From:** Reinemann, John
**Sent:** Friday, October 20, 2023 3:35 PM
**To:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** Potential E-Update items

## Wisconsin's DMV Road Test Waiver pilot program to end December 31, 2023

The Road Test Waiver Pilot program began in May 2020, at the onset of the COVID 19 pandemic. DMV is authorized to introduce pilot programs, but legislative action would need to take place to make such programs permanent.

The Road Test Waiver Pilot Program was part of DOT's response to the pandemic. The program allowed student drivers ages 16 and 17 who have completed their required driver education course, behind the wheel training, and 50 hours of supervised driving, to apply for a waiver from the the road test requirement. Again, DMV will be ending the Road Test Waiver Pilot Program on December 31, 2023.

As of January 1, 2024, those under 18 years old will need to complete an in-person road test at DMVs which offer this service to obtain their probationary license. Appointments for a road test can be scheduled 11 weeks in advance at www.wisconsindmv.gov/roadtest.

As a reminder, DMV has service locations in Adams, in Wautoma, and in Wisconsin Rapids and Marshfield.

## Committee perspective: Committee on Colleges and Universities

Since the day I was sworn in to the Assembly I have served on the Assembly Committee on Colleges and Universities. Higher education is important and as a graduate of MidState Technical College and the UW-Green Bay (with some time at UW-Stevens Point thrown in!) I have been fortunate to benefit from our state's higher ed offerings.

These are tumultuous times for higher education. Some issues grab headlines, but others are less riveting. We all know that college costs have been rising faster than inflation for years; many of us know that the end of the "Baby Boom" and its "echo booms" mean that there are fewer students of traditional college age in our state every year. Of course, that means that a shrinking student pool is being chased by an unchanging number of colleges.

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The news, now, is that the number of colleges in Wisconsin is NOT unchanging; it too has begun to decline. This week it was announced that the University of Wisconsin system is shutting down in-person instruction at two campuses and closing one campus at the end of the 2023-24 school year.

The Washington County location of UW-Milwaukee, and the Fond du Lac location of UW-Oshkosh, will no longer have in-person instruction as of June 2024. They will continue to offer classes online.

The UW-Richland Center (recently renamed as the UW-Platteville Richland, which had previously announced suspension of in-person instruction, will be fully closed.

The closures come as UW-Oshkosh cuts its workforce by 216 after 140 layoff notices were sent to employees earlier this week and 76 employees accepted a voluntary retirement offer.

These closures all come with job losses and with interruptions to the studies of the students affected. Fortunately the UW has worked, and continues to work, to reassign employees as it can and to ensure transfers for the student.

Higher Education is necessary. It's also increasingly complicated to administer and to provide. The challenges of overseeing the UW's response to all the changes, will be significant; but I am pleased to be in a position to follow what UW is doing as part of the oversight the legislature does on all state agencies and programs.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:57 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 53

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**From:** Reinemann, John
**Sent:** Friday, October 20, 2023 1:29 PM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Call me 608-371-9669

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Friday, October 20, 2023 1:28 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>
**Subject:** Re: RV Dealer Legislation: DOT Proposals

Thought so but just wanted to make sure.

Thank you for all of your efforts! Your help and guidance is greatly appreciated.

Kathi

Sent from my iPhone

> On Oct 20, 2023, at 1:22 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> That is what I mean. Noted!
>
> ---
>
> **From:** Kathi Kilgore <kilgore@swandby.com>
> **Sent:** Friday, October 20, 2023 1:22 PM
> **To:** Angie Diedrich <angie@housingalliance.us>
> **Cc:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>
> **Subject:** Re: RV Dealer Legislation: DOT Proposals
>
> John and Jim,

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Assuming you mean version 3 of the amendment would have the language of version 2 and only the change to 218.15 in it and NOT changing the definition of fifth-wheel as suggested by DOT. If that is the case then RVIA is fine with it.

Kathi

Sent from my iPhone

> On Oct 20, 2023, at 1:14 PM, Angie Diedrich <angie@housingalliance.us> wrote:
>
> Hi John! That all sounds good to us at WRVDA. Thanks for working on this!
>
> <image001.png>
>
> **WHA's Annual Conference on November 8th & 9th is coming up quick! It'll be one to remember with a lot of giveaways and fun activites – register today! https://housingalliance.us/events-education/calendar/#id=168&wid=901&cid=1202**
>
> ---
>
> **From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
> **Sent:** Friday, October 20, 2023 12:52 PM
> **To:** Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>
> **Subject:** RE: RV Dealer Legislation: DOT Proposals
>
> I've just talked to David Moore at Legislative Council about this, twice today. Since we now have a hearing set in the Senate, this coming Tuesday Oct 24 beginning at 1.00 PM, I suggest we try to go into the hearing with resolution on these issues.
>
> First, David is asking if we can introduce this amendment (at least to one of the bills) before the hearing on Tuesday. It would, he says (and I agree), convey the idea that HERE is what we want, all agreed-to and introduced, bill and amendment combined. No more nattering about whether we are

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discussing a /2 or a /3 of a draft amendment; an introduced amendment has an unchanging name (it becomes formally Senate Amendment 1 to Senate Bill 225). So for these reasons I'd like to do that.

Let me make a suggestion, that suggestion having two parts.

1. If DOT wants the name and address of the previous owner removed, and if the Dealers are willing to do so, let me suggest that we alter the amendment to give DOT what it wants on this. I know that's not the preference but if it's ok, it's ok.

2. I don't sense a lot of support for accommodating DOT on the "fifth-wheel" provisions, so, ok, we looked at that and the answer is "bill with amendment /2 is fine as is."

Given the looming date of the hearing, I've asked David Moore to get changes made to the amendment that give DOT the "win" on these two points. What will result from this request is a /3 to the amendment.

It is then my intention to introduce that /3 as an amendment. We can do that as soon as it's sent to us by LRB.

Unless someone tells me No, they want to see it first , let's do that.

As soon as we have the amendment I will get it jacketed and introduced as a Krug amendment to AB 230. I've spoken to Jim in Sen. Testin's office and I think he plans to do the same as a Testing amendment to SB 225.

John Reinemann

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Thursday, October 19, 2023 1:38 PM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Sen.Testin <Sen.Testin@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

At the WRVDA, we feel that the amendment and bills are fine as they are.

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We would be fine amending 218.15 to remove ”and name and address of previous owner” if it is necessary.

We are not in favor of changing the definition of “Fifth-wheel recreational vehicle” for the fact that as technology changes, naming a specific type of hitch could put the statute out of date creating the definition to be inaccurate. Over a dozen states have similar definitions of fifth-wheel as in AB 230/AB 225 in their laws and we have not heard of any major issues with it.

Please let us know if you have any questions. Thanks!

<image001.png>

**WHA’s Annual Conference on November 8th & 9th is coming up quick! It’ll be one to remember with a lot of giveaways and fun activites – register today! https://housingalliance.us/events-education/calendar/#id=168&wid=901&cid=1202**

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, October 19, 2023 12:24 PM
**To:** Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Kathi Kilgore <kilgore@swandby.com>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James - LEGIS <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; Arduini, Stephanie M - DOT <StephanieM.Arduini@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Hello again,

Okay, so we’ve got input from two of our divisions. DMV’s comments are probably going to be a much easier fix:
*DMV requests a Hearings and Appeals process for RV Dealers mirrors current law for Motor Vehicle Dealers under s. 218.0116(4). DMV suggests amending the requirement, as it is outdated and does not follow current practice. MV dealers are required to provide the title for a vehicle for review if requested by a customer; however, the prior owner’s information is not required on the purchase contract.*

> ***218.15 Sale or lease of used recreational vehicles.*** *In the sale or lease of any used recreational vehicle, the sales invoice or lease agreement shall contain the point of manufacture of the used*

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*recreational vehicle, the name of the manufacturer and ~~the name and address of the previous owner~~.*

One of our State Patrol Lieutenants also weighed in, and their comments are a bit more complicated. Looping in Stephanie Arduini, who is our DSP rep:
*The bill text shows a change in the definition found in 340.01 (18m) "Fifth-wheel recreational vehicle".*
*The concern I have is that this would redefine and negate the true fifth wheel recreational vehicle. I question if a ball and hitch "gooseneck" would now be considered a fifth wheel recreational vehicle due to this new definition. This will allow any type of trailer which someone claims is being used for any recreational, camping OR travel use to be used to transport passengers within the trailer as allowed for in 346.94(8m). This is a significant safety concern and change from our current statutory.*

*A fifth wheel and king pin hitch is a far safer connection type which is used in a semi tractor trailer combination.*

*Line 21 cannot have the word recreational deleted. It opens up a whole slew of potential "vehicles" now that meet the definition of fifth wheel recreational vehicle which they are not. In fact, the way this is written a fifth wheel recreational vehicle could be a vehicle that is not equipped with a fifth wheel and is not a recreational vehicle. This is a major issue with the definition change.*

*The definition of a Fifth wheel recreational vehicle needs to have a reference included that speaks of a king pin and fifth wheel as to truly define the "fifth wheel" portion of the definition.*
<image002.png>

Please let us know your thoughts. Happy to arrange to get the group together if needed. Thanks!

<image003.jpg>

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Bilek, Katherine S - DOT
**Sent:** Thursday, October 19, 2023 12:04 PM
**To:** Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Kathi Kilgore <kilgore@swandby.com>; Sen.Testin - LEGIS

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<Sen.Testin@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James - LEGIS <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Hi all,

Apologies for the delay on our end. Looks like this was sent the day I began my time off for one of my kids' surgery. Just got back to the office this morning. We do have some comments to share. Let me take a look at them and I'll circle back shortly with those. Just wanted to let you know I'm working on it now.

Thanks!

<image003.jpg>

**Kathey S. Bilek**
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>
**Sent:** Wednesday, October 18, 2023 11:57 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>; Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James - LEGIS <James.Emerson@legis.wisconsin.gov>
**Cc:** Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** FW: RV Dealer Legislation: DOT Proposals

Hello all. I sent this to you (to everyone on this message) on Oct 12. The attachment is a proposed amendment to SB 225 / AB 230, the RV bill authored by Rep. Krug and Sen. Testin.

The legislature is now planning to have a hearing on SB 225 in the Senate Committee on Transportation and Local Government on Tuesday Oct 24 in the afternoon (time still being determined).

In that context, might I ask Kathy and Reed if DOT has a formal response to the amendment?

AMERICAN OVERSIGHT

Thank you all.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Rep.Krug
**Sent:** Thursday, October 12, 2023 9:51 AM
**To:** 'Bilek, Katherine S - DOT' <katherines.bilek@dot.wi.gov>; Angie Diedrich <angie@housingalliance.us>; Sen.Testin <Sen.Testin@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Hello all. This is John from the office of State Rep. Krug in Wisconsin. I am writing in regard to Wisconsin Assembly Bill 230 (Senate Bill 225).

We have now received a draft amendment to the bill which should reflect all the most-recent input from the DOT and the two associations. The draft is attached.

Could everyone please take a look at this and confirm that it meets the needs and expectations of your agency / association?

The bill (in its SB 225 form) is tentatively set (we think) for a public hearing in the Senate Committee on Tuesday Oct 24. It would be nice, I think, to have the amendment introduced for the original bill, by that date, in order that the Senate Committee may hear about the bill as it now exists.

The attached amendment is drafted to AB 230. As I suggest, we can of course get a draft as an amendment to SB 225 if this version is agreeable to everyone.

I'd like to thank Kathi Kilgore for her work in getting this draft ready to go. She has been dealing with the drafter on this and has been keeping this project on track lo these many months.

Thank you all, we will wait to hear.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

AMERICAN OVERSIGHT

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, July 7, 2023 9:39 AM
**To:** Angie Diedrich <angie@housingalliance.us>; Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Sen.Testin <Sen.Testin@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Hi Angie,

I hope you had an enjoyable holiday weekend. My understanding is that conversation on the 19th was a discussion to understand the RV association's position on the camping trailers. We weren't sure if including a grandfathered date would be beneficial or how that would work. I believe DMV was also trying to understand the need for titles on camping trailers under 3K pounds if there was a need. Bonded titles would be required if titles for all camping trailers were needed regardless of weight which would increase the fiscal estimate. We are fine with not touching the language re: 3k weight for camping trailers.

Please let me know if you need anything further.

<image004.jpg>

Kathey S. Bilek
Legislative Liaison
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Friday, June 23, 2023 10:01 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Michael Ochs <mochs@rvia.org>; McGinn, Reed -

AMERICAN OVERSIGHT

DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

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Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Kathey! It is not essential to us. I got a call from Mark Rather and Dustin Sweeny last week asking more about the camping trailers and they said they thought it would be a good consumer protection to have all camping trailers titled. They also said that a grandfathered clause added would work so that it would just effect all new camping trailers going forward. Mark and Dustin were going to talk with you and Reed about it.

WRVDA is fine with leaving the statue the same if that is what you would like. Maybe you can check with Mark and Dustin about their thoughts on why they wanted the camping trailers titled and then let us know. Thanks!

<image001.png>

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**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, June 23, 2023 9:49 AM
**To:** Angie Diedrich <angie@housingalliance.us>; Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

Hi Angie,

DMV's preference regarding Camping Trailers is to leave the existing statutory requirements as-is. Under current law, Camping Trailers under 3,000 pounds are optionally titled and registered. Mandating the titling of a Camping Trailer under 3,000 pounds would create new administrative burdens on DMV and create a new financial burden for RV applicants. If titling of a Camping Trailer under 3,000 pounds is an essential component of the proposal, let's discuss that aspect further.

Please let us know if you have any other questions. Have a great weekend!

AMERICAN OVERSIGHT



**Kathey S. Bilek**
Legislative Liaison
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

---

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Friday, June 16, 2023 10:52 AM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>; Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RE: RV Dealer Legislation: DOT Proposals

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Kathey! Thanks for getting this to us. In the question you have at the end, you site Wis. Stats 210.0101 (32) which is in Subchapter I for Motor Vehicle Dealers. There is no language about retail installment contracts currently in 210.10 Subchapter IV or in AB230. We would leave the titling process for camping trailers the same as it is now. Does that answer your question or do you need more clarification?



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**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Friday, June 16, 2023 9:51 AM
**To:** Rep.Krug - LEGIS <Rep.Krug@legis.wisconsin.gov>; Sen.Testin - LEGIS <Sen.Testin@legis.wisconsin.gov>
**Cc:** kilgore@swandby.com; Angie Diedrich <angie@housingalliance.us>; Michael Ochs <mochs@rvia.org>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>
**Subject:** RV Dealer Legislation: DOT Proposals

Good morning,

I hope this finds you well.

AMERICAN OVERSIGHT

I'm writing to follow up on our meeting from earlier this month. Attached are the proposed changes/language we discussed during the meeting. Please note the highlight portion at the bottom of the document where we are requesting some clarification.

WisDOT greatly appreciates the opportunity to discuss this bill and provide feedback. Please let me know if you have any questions.

Have a great weekend!

<image003.jpg>

**Kathey S. Bilek**
Legislative Liaison
Office of the Secretary
Wisconsin Department of Transportation
**Office:** 608-266-7364 | **Cell:** 608-400-2278
**Fax:** 608-266-9912
KatherineS.Bilek@dot.wi.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:57 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 54

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**From:** Reinemann, John
**Sent:** Wednesday, October 18, 2023 11:58 AM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>
**Subject:** RE: Summary of RV amendment

Just done. TTFN

JRe

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, October 18, 2023 11:56 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Summary of RV amendment

You got it all, John!

Everything sounds good. Having the Senate hearing on Tuesday the 24th, having the bill come up last, Rep. Krug concluding with a reference to the industry folks, etc. and texting you when the bill is getting close.

And yes, please re-send amendment to all of us. After you send it, perhaps Amy, Angie or I could also do outreach to Ms. Bilek.

Thank you so much

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

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**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, October 18, 2023 11:52 AM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Summary of RV amendment

This looks great, Kathi! Thank you very much.

AMERICAN OVERSIGHT

I have heard nothing on the amendment from DOT. I did share it with DOT on Oct 12, on an email from the Rep. Krug box that included you. I can't find a reponse, and Outlook is not signaling me that there was a response. (Nothing new from Ms. Bilek, and you know how it will advise you "You are not looking at the latest correspondence on this. Click here for more information" or whatever it says? I'm not seeing that.)

Let me re-send the amendment to everyone again, and ask specifically if DOT has a reaction. Happy to do that. We have almost a week, don't we?

In related news, we have told Jim in Sen. Testin's office and Mike in Sen. Tomczyk's office that we are fine with the Senate version getting a hearing on Tuesday Oct 24. A complicating factor is that committee Rep. Krug chairs, is having that day a joint hearing with the Senate committee on elections; however, Rep. Krug has agreed to hand the gavel over to maybe Rep. Maxey or someone else and duck out to testify.

I caution you that he's going to conclude with "I know you may have questions. I offer that coming up after me will be industry representatives, and I know DOT has been consulted as we went along and that they have been shown the amendment and I urge you to ask them anything that is on your mind" or some such.

Also, in an effort to accommodate Rep. Krug's schedule, the Tomczyk office will be listing this bill as the last one on the agenda.

And finally, since I may still be clerking Rep. Krug's committee when the bills comes up, I wonder if you or someone could sit in the Senate committee and text me when the bill is getting close?

Anything I'm missing here? Thank you!

John Reinemann

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, October 18, 2023 6:41 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Summary of RV amendment

John,

Angie from WRVDA prepared this summary of the amendment. Would this work for what you had suggested?

Have you heard anything back from DOT about the amendment?

Thank you for everything.

Kathi

AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:58 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 55

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**From:** Reinemann, John
**Sent:** Wednesday, October 11, 2023 5:04 PM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>
**Subject:** RE: AB 230/SB 225 amendment P2 RV

Hey, I'm the guy who sent the email on the 22nd FROM A PHONE in Wautoma. I didn't do more than glance at the draft at that time. You don't owe me any apology, just wanted to assure you that Jim has seen it. 's all good.

Thanks Kathi! ASA in a moment.

JRe

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, October 11, 2023 4:54 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: AB 230/SB 225 amendment P2 RV

John,

I apologize that I missed the amendment was attached on the Sept 22nd email. That is the problem with looking at emails on a phone.

Hopefully the P2 adequately addresses the concerns of the DOT. I am sure that we can prepare something to explain the amendment. It would be ideal to have the SA introduced prior to the Senate hearing.

Sent from my iPhone

> On Oct 11, 2023, at 4:37 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> I shared it with Jim Emerson in Testin's office in the same email I shared it with you, back on Sept 22. I will send it to him again and this time will include DOT so they can see it also.

AMERICAN OVERSIGHT

I will send it to Jim and DOT, with copies to you and Amy and Angie and Michael, in a separate message in a few minutes.

I talked w Jim E about this bill this morning. Jim has seen the /2 of the ASA. Jim is preparing a statement from Sen. Testin in support of the bill for use w the Senate Committee.

Would you, as an association / as two associations, be willing / be able to prepare a summary of what this bill now does in the ASA to the bill, per the /2, and
1. Be able to share that to the committee on the 24th and
2. Be able to share it with Jim timely so that he can see what you collectively are saying about the new version, in time for him to prepare Sen. Testin's statement for the 24th?

People will ask "why an ASA," so please include in your document a summary of the DOT reaction to the original bill and how the ASA accommodates the agency. That would serve the committee well. Hopefully they will like the ASA and that can used as a conclusion. Yes?

And finally, we should probably get this done as an SSA also, right, so THAT can be introduced in advance of a Senate hearing? Right?

Let me start by sharing the ASA draft w Jim and "the three" and w DOT also in a few min.

John Reinemann

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Wednesday, October 11, 2023 3:09 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Amy Bliss (amy@housingalliance.us) <amy@housingalliance.us>; Angie Diedrich <angie@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** AB 230/SB 225 amendment P2 RV
**Importance:** High

John,

RVIA and WRVDA have reviewed the P2 draft amendment and it looks good to all of us.

Would you share it with DOT and Jim/Sen. Testin's office to make sure they are all okay with it too?

FYI - I spoke with Sen. Tomczyk's staff today and they are planning to hold a hearing on Oct. 24th and they are tentatively planning to have SB 225 on the agenda.

AMERICAN OVERSIGHT

Let me know if you have any questions, concerns or need/want us to do anything.

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, October 11, 2023 10:59 AM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Subject:** FW: Question about Senate Transpo Hearing this Wednesday
**Importance:** High

Wait, I DID see it. Is there something more current than this?

John

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 2:59 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 56

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**From:** Reinemann, John
**Sent:** Thursday, September 21, 2023 5:34 PM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Life can be grand : - )

My brief stint as a lobbyist-for-hire taught me what you have now reminded me – and indeed I'd never really forgotten it, or I shouldn't have anyway. So there's that as well.

Rapids tomorrow. Feel better and ciao for now!

JRe

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, September 21, 2023 5:16 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

John,

I know you are so very busy. Thanks for giving me the ability to work with the LRB directly.

I am sorry it took me so long to get back to him – last week was a rough one for me – three days of migraine – so I was behind on everything.

And for the record, I knew we couldn't put a definition of a term into statutes if it wasn't used anywhere else…but sometimes you need someone else to tell your client and lobbying partners something they don't want to hear.

Have a good evening.

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, September 21, 2023 5:00 PM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Hi Kathi. Wayyyyyy too busy today, sorry! And out of office yesterday and again tomorrow.

Great! Will watch for the P2 and will send on as soon as I see it. Will be back on email tomorrow afternoon.

You are most welcome, on both points. Thank YOU for taking the bull by the horns and getting with LRB on this.

John Reinemann

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, September 21, 2023 3:39 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** FW: Amendment to AB 230 / SB 225, the RV bill

I called your office and left you a message to call me. No need.

Instead:

I will just forward this email to you to give you a heads up to watch for the P2.

And to say "thank you" so much for all of your assistance with this issue.

And to say thanks to Rep. Krug for signing on to LRB-0444 regarding outdoor advertising signs. 😊

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Sent:** Thursday, September 21, 2023 3:32 PM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Kathi,

I think that should work. I'll make the changes and get a /p2 version of the amendment to Rep. Krug.

AMERICAN OVERSIGHT

Thanks,

Eric Mueller
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 504-5825
eric.mueller@legis.wisconsin.gov

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Thursday, September 21, 2023 3:23 PM
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Eric,

Thanks for the response. Addressing "the other three":

"Truck campers" - Understand your point so we agree it shouldn't be in the bill.

Fifth wheels - Our end goal is to have the terms and definitions for fifth-wheels match. So instead could page 4, line 4 and page 5, line 18 be changed to read "fifth-wheel recreational vehicle" rather than "fifth-wheel travel trailer"?

Let me know.

Thanks,
Kathi

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Sent:** Wednesday, September 20, 2023 1:42 PM
**To:** Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Kathy,

The second change is straight-forward I can add that to the amendment.

The other three, however, present issues. As to the first and the third, the addition of a definition of "truck camper" to ch. 218 is unnecessary because the term is not used anywhere in the chapter. The statutes do not intentionally provide definitions not used somewhere in the applicable statues.

AMERICAN OVERSIGHT

As to the final change request, the use of the term “fifth-wheel recreational vehicle” in the definition of “recreational vehicle” in ch. 340 (22:8 of the draft) reflects that the term “fifth-wheel recreational vehicle is defined for the purposes of 341-349 and used several times in the current statutes. See s. 340.01 (18m), 346.94 (8m) (a) and (b). Changing the definition of “recreational vehicle” to fifth-wheel travel trailer” will not incorporate the existing definition.

Best,

Eric Mueller
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 504-5825
eric.mueller@legis.wisconsin.gov

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, September 18, 2023 11:41 AM
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Eric,

Attached are the requested changes to the amendment for AB 230 & SB 225. Please let me know if you have any questions or concerns about the requested changes.

Thank you very much!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, September 11, 2023 11:58 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Kathi and all: I can’t answer your question. I have passed along what you’ve sent, to Eric Mueller at LRB.

Probably I garbled something, for which I apologize.

AMERICAN OVERSIGHT

So on that basis, in an effort to get the best possible amendment and the best possible outcome for this bill, I've asked Eric Muller at LRB if he would consent to take his instructions on this, directly from you Kathi.

I have also spoken with Jim Emerson in Sen. Testin's office on this so he is informed as well. He thinks this is a good plan.

Eric has agreed. I have added Eric to this email chain.

May I suggest that, now that you've been "introduced" to Eric (so to speak), that you please send Eric whatever he needs to come up with a new version of the amendment.

Rep. Krug will introduce whatever amendment you tell us will make the bill work for you.

Please let me know if you need anything further from our office at this time. I am confident that with you and Eric in direct communication, the process will result in a better result very soon.

John Reinemann

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, September 11, 2023 10:56 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

That document is the instructions we sent to you in June with the areas highlighted that differ from the drafted amendment. Before you send it to the drafter, you might want to remove the section I struck but did not highlight which is "Amend 341.05 (13m)" because that was the area that DOT changed their collective mind about after you had already submitted to the drafter. I don't want to confuse him further.

I think we are wondering why some of those areas were changed from what was requested. Like removing the definition of truck campers and not including the requested new 218.55 about exempting truck campers from registration.

Thanks,
Kathi

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, September 11, 2023 10:48 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

I concur that giving DOT an amendment you / we don't think is as perfect as may be, wouldn't be helpful.

I will take your latest comment, incorporate into the instructions you sent me last week, and get it to LRB yet today.

Thank you.

John Reinemann

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**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, September 11, 2023 10:44 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

John,

Angie, Michael and I met today to chat about the draft amendment. Looking back at some of the notes from DOT in June, we realize that page 3 lines 1-4 of the amendment are not necessary and can be removed/deleted from future versions of the amendment. (So no need to ask the drafter why he changed it from single to 2-vehicle.)

We know we will need to send the amendment at some point to the DOT to make sure they are good with it but we think we should wait for the final version of the amendment. Does that sound okay? We are afraid if they got this version of it, they would get tied up in knots about things that are easily remedied or explained once we know the reason for the differences.

Thank you!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

AMERICAN OVERSIGHT

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, September 8, 2023 4:54 PM
**To:** Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Hi folks.

Earlier today I spoke to Jim Emerson in Sen. Testin's office. He and I agreed that I will deal with the concerns below.

I have spent a little time trying to track back on the various messages to determine a "why" for some of the changes. I don't have a drafter's note indicating a "why" on these.

Let me focus please on the needed changes to the amendment. Next week I will be able to review Kathi's document (and that document looks like drafting instructions, so thank you Kathi for that).

I don't know where the train left the track here but we will get it arranged, I am sure.

Good weekend all. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Friday, September 8, 2023 12:27 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Hi John & Jim! Kathi Kilgore shared what she sent over to you guys and I have questions on why the things Kathi has highlighted in yellow were not the same in the amendment? Can you please ask the drafter their thoughts on bullet points below. If you want to meet about this we will be available most of next week. Thanks so much for checking with the drafter on this!

- We definitely need to keep the definition of "truck camper" in 218.10 since manufacturers would include these in there manufacturer/dealer agreements. It just needs to be amended on line 6, page 6 to add the word "rigid". Why was this deleted?

AMERICAN OVERSIGHT

- I think the drafter just missed amending line 8 on page 22.
- Creating 218.155 was per the request of the DOT. Is this not necessary since "truck camper" is not in 340.01(48r)?
- When creating 348.07 (2)(l) did the drafter change the wording to a 2 vehicle combination instead of a single vehicle? This change was to accommodate motorhomes so it would need to be a single vehicle. Why single?
- The rest of the wording Kathi highlighted in yellow is to match the wording the motor vehicle section in 218. Why did the drafter feel the need to change the language?
- Curious as to why did the drafter changed the effective date to seven months instead of six?

Angie Diedrich
EXECUTIVE DIRECTOR | WI RV DEALERS ALLIANCE
DEPUTY DIRECTOR | WISCONSIN HOUSING ALLIANCE
FINANCE DIRECTOR | TOMORROW'S HOME FOUNDATION
(608) 255-3131
angie@housingalliance.us
258 Corporate Dr. Suite 200C
Madison, WI 53714

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**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, September 7, 2023 3:44 PM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>
**Cc:** Emerson, James <James.Emerson@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** Amendment to AB 230 / SB 225, the RV bill

Hi all. Good news: The amendment is in hand! I don't know what the problem was. In any case it is now attached.

When I requested this, I did leave up to the drafter the issue of whether he felt a simple amendment or a sub would be better. He opted to go with a simple.

Could everyone take a look and let me know if everything that needs to be done, has been done, and in a way that works?

If you tell me this is good I will get it introduced and we will do the same for SB 225 I'm sure.

Thanks all. Sorry for the wait but here we are.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

AMERICAN OVERSIGHT

Room 223 North, State Capitol
608-266-0215
john.reinemann@legis.wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:00 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 57

---

**From:** Reinemann, John
**Sent:** Monday, September 11, 2023 11:57 AM
**To:** 'Kathi Kilgore' <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Kathi and all: I can't answer your question. I have passed along what you've sent, to Eric Mueller at LRB.

Probably I garbled something, for which I apologize.

So on that basis, in an effort to get the best possible amendment and the best possible outcome for this bill, I've asked Eric Muller at LRB if he would consent to take his instructions on this, directly from you Kathi.

I have also spoken with Jim Emerson in Sen. Testin's office on this so he is informed as well. He thinks this is a good plan.

Eric has agreed. I have added Eric to this email chain.

May I suggest that, now that you've been "introduced" to Eric (so to speak), that you please send Eric whatever he needs to come up with a new version of the amendment.

Rep. Krug will introduce whatever amendment you tell us will make the bill work for you.

Please let me know if you need anything further from our office at this time. I am confident that with you and Eric in direct communication, the process will result in a better result very soon.

John Reinemann

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, September 11, 2023 10:56 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

AMERICAN OVERSIGHT

That document is the instructions we sent to you in June with the areas highlighted that differ from the drafted amendment. Before you send it to the drafter, you might want to remove the section I struck but did not highlight which is "Amend 341.05 (13m)" because that was the area that DOT changed their collective mind about after you had already submitted to the drafter. I don't want to confuse him further.

I think we are wondering why some of those areas were changed from what was requested. Like removing the definition of truck campers and not including the requested new 218.55 about exempting truck campers from registration.

Thanks,
Kathi

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, September 11, 2023 10:48 AM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

I concur that giving DOT an amendment you / we don't think is as perfect as may be, wouldn't be helpful.

I will take your latest comment, incorporate into the instructions you sent me last week, and get it to LRB yet today.

Thank you.

John Reinemann

---

**From:** Kathi Kilgore <kilgore@swandby.com>
**Sent:** Monday, September 11, 2023 10:44 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Michael Ochs <mochs@rvia.org>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

John,

AMERICAN OVERSIGHT

Angie, Michael and I met today to chat about the draft amendment. Looking back at some of the notes from DOT in June, we realize that page 3 lines 1-4 of the amendment are not necessary and can be removed/deleted from future versions of the amendment. (So no need to ask the drafter why he changed it from single to 2-vehicle.)

We know we will need to send the amendment at some point to the DOT to make sure they are good with it but we think we should wait for the final version of the amendment. Does that sound okay? We are afraid if they got this version of it, they would get tied up in knots about things that are easily remedied or explained once we know the reason for the differences.

Thank you!

**Kathi Kilgore**
Swandby/Kilgore Associates, Inc.
**Phone:** 608.286.9599
**Mobile:** 608.444.9287
**Email:** kilgore@swandby.com

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Friday, September 8, 2023 4:54 PM
**To:** Angie Diedrich <angie@housingalliance.us>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>; Kathi Kilgore <kilgore@swandby.com>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Hi folks.

Earlier today I spoke to Jim Emerson in Sen. Testin's office. He and I agreed that I will deal with the concerns below.

I have spent a little time trying to track back on the various messages to determine a "why" for some of the changes. I don't have a drafter's note indicating a "why" on these.

Let me focus please on the needed changes to the amendment. Next week I will be able to review Kathi's document (and that document looks like drafting instructions, so thank you Kathi for that).

I don't know where the train left the track here but we will get it arranged, I am sure.

Good weekend all. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

**From:** Angie Diedrich <angie@housingalliance.us>
**Sent:** Friday, September 8, 2023 12:27 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>
**Cc:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>; Amy Bliss <amy@housingalliance.us>
**Subject:** RE: Amendment to AB 230 / SB 225, the RV bill

Hi John & Jim! Kathi Kilgore shared what she sent over to you guys and I have questions on why the things Kathi has highlighted in yellow were not the same in the amendment? Can you please ask the drafter their thoughts on bullet points below. If you want to meet about this we will be available most of next week. Thanks so much for checking with the drafter on this!

- We definitely need to keep the definition of "truck camper" in 218.10 since manufacturers would include these in there manufacturer/dealer agreements. It just needs to be amended on line 6, page 6 to add the word "rigid". Why was this deleted?
- I think the drafter just missed amending line 8 on page 22.
- Creating 218.155 was per the request of the DOT. Is this not necessary since "truck camper" is not in 340.01(48r)?
- When creating 348.07 (2)(l) did the drafter change the wording to a 2 vehicle combination instead of a single vehicle? This change was to accommodate motorhomes so it would need to be a single vehicle. Why single?
- The rest of the wording Kathi highlighted in yellow is to match the wording the motor vehicle section in 218. Why did the drafter feel the need to change the language?
- Curious as to why did the drafter changed the effective date to seven months instead of six?

Angie Diedrich
EXECUTIVE DIRECTOR | WI RV DEALERS ALLIANCE
DEPUTY DIRECTOR | WISCONSIN HOUSING ALLIANCE
FINANCE DIRECTOR | TOMORROW'S HOME FOUNDATION
(608) 255-3131
angie@housingalliance.us
258 Corporate Dr. Suite 200C
Madison, WI 53714

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, September 7, 2023 3:44 PM
**To:** Kathi Kilgore <kilgore@swandby.com>; Angie Diedrich <angie@housingalliance.us>; Michael Ochs <mochs@rvia.org>; Amy Bliss <amy@housingalliance.us>

AMERICAN OVERSIGHT

**Cc:** Emerson, James <James.Emerson@legis.wisconsin.gov>; Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** Amendment to AB 230 / SB 225, the RV bill

Hi all. Good news: The amendment is in hand! I don't know what the problem was. In any case it is now attached.

When I requested this, I did leave up to the drafter the issue of whether he felt a simple amendment or a sub would be better. He opted to go with a simple.

Could everyone take a look and let me know if everything that needs to be done, has been done, and in a way that works?

If you tell me this is good I will get it introduced and we will do the same for SB 225 I'm sure.

Thanks all. Sorry for the wait but here we are.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:01 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 58
Attachments: Voter ID hearing testimony WEC.pdf; Voter ID hearing testimony DHS.pdf; Voter ID hearing testimony DOT.pdf

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**From:** Reinemann, John
**Sent:** Friday, May 17, 2024 4:05 PM
**To:** Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>
**Subject:** FW: Testimony

Please load these attachments onto the web so they can be accessed via a hyperlink in the E-Update.

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:04 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 59

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**From:** Reinemann, John
**Sent:** Thursday, July 11, 2024 9:25 AM
**To:** 'Scott Krug' <scott.krug@gmail.com>
**Subject:** RE: FW: THURS 8 AM WEC Special Meeting July 11, 2024

Thank you, will tune in

**From:** Scott Krug <scott.krug@gmail.com>
**Sent:** Thursday, July 11, 2024 9:24 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Fwd: FW: THURS 8 AM WEC Special Meeting July 11, 2024

Link to WEC meeting going on now

---------- Forwarded message ---------
From: **Annette Olson** <aolson@maciverinstitute.com>
Date: Thu, Jul 11, 2024 at 6:48 AM
Subject: FW: THURS 8 AM WEC Special Meeting July 11, 2024
To: aolson@maciverinstitute.com <aolson@maciverinstitute.com>

In case you hadn't received the notice and would like to listen in.

Annette Olson
Chief Executive Officer
The John K. MacIver Institute for Public Policy, Inc.

608-630-2093
aolson@maciverinstitute.com

Freedom lies in being bold. - Thomas Jefferson

---

**From:** Bob Spindell, Chair - RPW 4th Congressional District
<bob@rpw4thcongressionaldistrict.ccsend.com>
**Sent:** Wednesday, July 10, 2024 8:40:25 PM
**To:** annette-eaf@centurytel.net <annette-eaf@centurytel.net>
**Subject:** THURS 8 AM WEC Special Meeting July 11, 2024

AMERICAN OVERSIGHT

**Please see Drop Box Materials Below**

# Wisconsin Election Commission

**Special Meeting by Zoom**
**Thurs -- July 11, 2024**
**8:00 AM**

## You are Invited to an SPECIAL Meeting of the Wisconsin Election Commission

## Thurs @ 8:00 AM

**Click Here to Join Meeting**

**CLICK HER FOR DROP BOX MATERIALS**

# NOTICE OF OPEN & CLOSED MEETING

**A. Call to Order**

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

**C. Closed Session****
**- Litigation Update and Consideration of Potential Litigation**

**D. DROP BOXES: Discussion and Possible Action Related to the Wisconsin Supreme Court Ruling in Priorities USA v. Wisconsin Elections Commission.**

**E. Discussion and Possible Approval of a Notice for a Preliminary Public Hearing and Comment Period for the**

AMERICAN OVERSIGHT

**Commission's**
**Emergency Scope Statement Concerning Election Observers, SS 074-24**

**F. Adjourn**

# JOIN MEETING HERE

Webinar ID: 872 7928 5288

Passcode: 930909

## SEE ON Wisconsin Eye 8:00 AM - Click Here

**WISEYE** schedule

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by ZOOM Phone:

**1-312-626-6799**

Webinar ID 872 7928 5288

Passcode: 115123

**or**

**ONE TAP MOBILE CLICK # BELOW**

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**********


Bob Spindell

Chair

Republican Party of Wisconsin

4th Congressional District

cd4.chairman@wisgop.info

Twitter: @BobSpindell



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AMERICAN OVERSIGHT

RPW 4th Congressional District | 1626 N. Prospect Ave. | Milwaukee, WI 53202 US

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AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:05 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 60
Attachments: WEC EL 12 Fiscal Estimate and Economic Impact Analysis.pdf; WEC EL 12 Rule Order Agency Report.pdf; WEC EL 12 Rule Order.pdf

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**From:** Reinemann, John
**Sent:** Friday, July 5, 2024 1:38 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: WEC NOTICE OF FINAL RULE DRAFT - s. 227.185 Submission of Proposed Amendments to EL 12
**Importance:** High

Missed this when it came in.

John

---

**From:** Martyn, Julie <Julie.Martyn@legis.wisconsin.gov>
**Sent:** Wednesday, July 3, 2024 11:50 AM
**To:** *Legislative All Assembly <ALLASM@legis.wisconsin.gov>
**Subject:** WEC NOTICE OF FINAL RULE DRAFT - s. 227.185 Submission of Proposed Amendments to EL 12

---

**From:** Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>
**Sent:** Wednesday, July 03, 2024 11:34 AM
**To:** Rep.Neylon <Rep.Neylon@legis.wisconsin.gov>; Sen.Nass <Sen.Nass@legis.wisconsin.gov>; Hale, Linsay <Linsay.Hale@legis.wisconsin.gov>; Gillitzer, Erin <Erin.Gillitzer@legis.wisconsin.gov>; Veserat, Jeryn <Jeryn.Veserat@legis.wisconsin.gov>; Martyn, Julie <Julie.Martyn@legis.wisconsin.gov>
**Cc:** Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>; Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>; Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>
**Subject:** WEC NOTICE OF FINAL RULE DRAFT - s. 227.185 Submission of Proposed Amendments to EL 12

Dear Senator Nass and Representative Neylon,

This morning, the Wisconsin Elections Commission submitted the attached rule order, relating to the certification and training of municipal clerks, proposing to amend EL 12 to the Governor for approval under Wis. Stat. § 227.185. I have also attached the EIA and Fiscal Estimate, and the Report to the Legislature. Please forward this information to the members of the Joint Committee for the Review of Administrative Rules.

Sincerely,

Brandon Hunzicker
Staff Attorney

AMERICAN OVERSIGHT

Wisconsin Elections Commission
201 West Washington Avenue
P.O. Box 7984
Madison, WI 53707-7984
brandon.hunzicker@wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:06 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 61

---

**From:** Reinemann, John
**Sent:** Friday, June 28, 2024 4:16 PM
**To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
**Subject:** RE: Election Inspectors

Thank you Robert. Good weekend to you.

John Reinemann

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, June 28, 2024 3:22 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Election Inspectors

Good afternoon John,

The WEC does not track poll workers. That's all managed at the municipal level.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
https://elections.wi.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:06 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 62

---

**From:** Reinemann, John
**Sent:** Thursday, June 27, 2024 3:22 PM
**To:** 'Scott Krug' <skrug@nexthomepartners.com>
**Subject:** RE: Chief Election Inspector List

Will do

---

**From:** Scott Krug <skrug@nexthomepartners.com>
**Sent:** Thursday, June 27, 2024 3:18 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Chief Election Inspector List

Can we see if WEC has a master list of chief election inspectors for the upcoming August/November election dates please.

Scott

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:07 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 63

---

**From:** Reinemann, John
**Sent:** Monday, June 10, 2024 3:33 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: EmR2407 Rule Text
**Importance:** High

I couldn't find anything and it turns out that this is older than the WEC meetings I was skimming. Rob Kehoe responded to an email from me this:

The EL 6.05 emergency rule was formally started in August 2023 at the direction of the Commission. Nothing to do with the Oldenburg case, which was filed months later and relates to absentee ballot request forms. There's a webpage with some info here: https://elections.wi.gov/draft-rule-chapter-el-605-mandatory-use-uniform-instructions

All the draft rules are listed here: https://elections.wi.gov/Statutes-and-Administrative-Rules

The plaintiff in Oldenburg alleges that absentee voters should be required to provide a separate ballot request form with original signature alongside their ballot, and that the Commission approved envelope labeled "certification and request" doesn't count. I think they have a near-zero chance of prevailing in the long run, but the case could drag out for many months.

Let me know if that helps.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
201 West Washington Ave.
Madison, WI 53704
(608) 261-2019

I've now the scope statement and I don't think there's much here. Basically the argument from WEC is "We just want to head off multiple versions of instructions (implication "that we did not author and would not be able to influence").

If you see more here please let me know.

John

AMERICAN OVERSIGHT

-----Original Message-----
From: Reinemann, John
Sent: Monday, June 10, 2024 2:14 PM
To: Krug, Scott <Scott.Krug@legis.wisconsin.gov>
Subject: RE: EmR2407 Rule Text

Yep. Assume something sharable will come to light but yes

-----Original Message-----
From: Krug, Scott <>
Sent: Monday, June 10, 2024 2:13 PM
To: Reinemann, John <>
Subject: Re: EmR2407 Rule Text

Looks like it addresses the injunction by Marinette County

Scott

Sent from my iPhone

> On Jun 10, 2024, at 2:08 PM, Reinemann, John <> wrote:
>
> Scott, WEC is up to something. Please take a look.
>
> I will look at the WEC site for the papers from their decision to do this and if nothing good comes to hand I will email Rob Kehoe to ask what's going on.
>
> John
>
>
> -----Original Message-----
> From: Zapf, Joe <>
> Sent: Monday, June 10, 2024 1:39 PM
> To: Fawcett, Steve <>; Bowler, Cameil <>; Ellisen, Tyler <>
> Cc: Grosz, Scott <>; Reinemann, John <>
> Subject: EmR2407 Rule Text
>
> Steve - This is an emergency rule that was enacted this morning, deals with absentee ballots. We are reviewing to see if immediate action is necessary, wanted to put on your radar.
>
> Tyler & Cameil - if you would give this a look and let’s connect tmrw morning. Of we take action on this emr we will need to hold hearing so time is short.
>

AMERICAN OVERSIGHT

>
>
> Best,
> Joe

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:07 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 64

---

**From:** Reinemann, John
**Sent:** Monday, June 10, 2024 3:14 PM
**To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
**Subject:** RE: Today's emergency rule

Thank you Rob. Most helpful since I was plainly in error. Appreciate it!

John Reinemann

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Monday, June 10, 2024 2:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Today's emergency rule

The EL 6.05 emergency rule was formally started in August 2023 at the direction of the Commission. Nothing to do with the Oldenburg case, which was filed months later and relates to absentee ballot request forms. There's a webpage with some info here: https://elections.wi.gov/draft-rule-chapter-el-605-mandatory-use-uniform-instructions

All the draft rules are listed here: https://elections.wi.gov/Statutes-and-Administrative-Rules

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Let me know if that helps.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
201 West Washington Ave.
Madison, WI 53704
(608) 261-2019

AMERICAN OVERSIGHT

**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Monday, June 10, 2024 2:21 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** Today's emergency rule

Hi Rob, checking on today's emergency rule to create EL 6.05, relating to the mandatory use of uniform instructions for absentee voting.

Is this a response to the Marinette County ruling?

I have done a quick glance at WEC meeting packets from the last few weeks and am not seeing anything discussing this. No meetings between May 22 and today, so maybe this isn't the mechanism that I should be looking for?

Anything you at WEC have that is sharable would be appreciated. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:08 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 65

---

**From:** Reinemann, John
**Sent:** Monday, June 10, 2024 2:21 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** Today's emergency rule

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JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:09 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 66

-----Original Message-----
From: Reinemann, John
Sent: Monday, June 10, 2024 2:14 PM
To: Krug, Scott <Scott.Krug@legis.wisconsin.gov>
Subject: RE: EmR2407 Rule Text

Yep. Assume something sharable will come to light but yes

-----Original Message-----
From: Krug, Scott <Scott.Krug@legis.wisconsin.gov>
Sent: Monday, June 10, 2024 2:13 PM
To: Reinemann, John <John.Reinemann@legis.wisconsin.gov>
Subject: Re: EmR2407 Rule Text

Looks like it addresses the injunction by Marinette County

Scott

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>
> I will look at the WEC site for the papers from their decision to do this
and if nothing good comes to hand I will email Rob Kehoe to ask what's going
on.
>
> John
>
>
> -----Original Message-----
> From: Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>
> Sent: Monday, June 10, 2024 1:39 PM
> To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Bowler, Cameil
<Cameil.Bowler@legis.wisconsin.gov>; Ellisen, Tyler
<Tyler.Ellisen@legis.wisconsin.gov>
> Cc: Grosz, Scott <Scott.Grosz@legis.wisconsin.gov>; Reinemann, John
<John.Reinemann@legis.wisconsin.gov>
> Subject: EmR2407 Rule Text
>
> Steve - This is an emergency rule that was enacted this morning, deals with
absentee ballots. We are reviewing to see if immediate action is necessary,
wanted to put on your radar.
>
> Tyler & Cameil - if you would give this a look and let’s connect tmrw
morning. Of we take action on this emr we will need to hold hearing so time
is short.
>

AMERICAN OVERSIGHT

> https://docs.legis.wisconsin.gov/code/register/2024/822a2/register/emr/emr2407_rule_text/emr2407_rule_text
>
> Best,
> Joe

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:09 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 67

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**From:** Reinemann, John
**Sent:** Thursday, June 6, 2024 12:45 PM
**To:** Ylvisaker, Jeff <Jeff.Ylvisaker@legis.wisconsin.gov>
**Subject:** Re: Request for an analysis of the Wisconsin voter database from WEC

Thank you Jeff. I appreciate your time and your insight. I will be discussing this with Rep. Krug at the earliest opportunity.

Thank you again.

John Reinemann

---

**From:** Ylvisaker, Jeff
**Sent:** Thursday, June 6, 2024 11:05:17 AM
**To:** Reinemann, John; Rep.Krug
**Subject:** RE: Request for an analysis of the Wisconsin voter database from WEC

Good morning John,

Thank you for your time yesterday. I thought I would send a follow up email summarizing our conversation.

Although LTSB would like to be as helpful as possible, we also need to be mindful of our limitations. Whenever LTSB receives a new type of request (like yours) we carefully analyze whether or not we are capable of assisting and whether or not we are in a position to provide that same service to any other legislative office/committee that asks.

In the case of your request, LTSB does not have the necessary knowledge/expertise in Wisconsin voter data or the audit process for us to assist. We also do not have the necessary staff resources and expertise to provide these types of analysis/audit services to the Legislature in general.

During our conversation I mentioned that the October 2021 LAB audit of elections administration might be of interest to you.

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Since the Legislature purchases the voter data from WEC (once every two years), LTSB can provide that data to another group in the Legislature. Also, members of the public can make a public records request to LTSB for a copy of the data.

Thank you,

Jeff

---

**From:** Ylvisaker, Jeff
**Sent:** Wednesday, May 29, 2024 4:16 PM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Subject:** RE: Request for an analysis of the Wisconsin voter database from WEC

Good afternoon John,

It looks like you're interested to see if the WEC voter database that LTSB purchases every two years (in an odd year, typically in February/March) contains granular enough data to perform the following analysis/comparison.

> From your email:
>
> *Rep. Krug would like to see LTSB, act on Ms. Bernier's suggestion that LTSB examine the voter database in order to confirm that there were not inactive voters activated for November 202 and then deactivated after the 202 election.*
>
> *I agree with Ms. Bernier that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.*

We spent time yesterday and today making sense of what data we have and don't have as it relates to your request.

The WEC voter database that LTSB purchases represents a snapshot in time (presumably as of the day WEC prepares the data for us). In other words, we do not receive information from WEC that would allow us to see peoples' "running" (dynamic) voter status over time.

Thank you,

Jeff

---

**From:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Sent:** Friday, May 24, 2024 3:11 PM
**To:** Ylvisaker, Jeff <Jeff.Ylvisaker@legis.wisconsin.gov>
**Subject:** Request for an analysis of the Wisconsin voter database from WEC
**Importance:** High

Hello Jeff, John from Rep. Krug's office here.

AMERICAN OVERSIGHT

I have been asked by Rep. Krug to make the attached request of your office. At issue is the work of the Assembly Committee on Campaigns and Elections (which Rep. Krug chairs)

We are informed by former Sen. Kathy Bernier that LTSB has apparently already requested from the Wisconsin Election Commission (WEC), the complete Wisconsin voter database. (Please see below.)

Rep. Krug would like to see LTSB, act on Ms. Bernier's suggestion that LTSB examine the voter database in order to confirm that there were not inactive voters activated for November 202 and then deactivated after the 202 election.

I agree with Ms. Bernier that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.

Does LTSB have the data to do this analysis? I realize the list of database requests from WEC may be "static" and the request we are making is "dynamic" or over a span of time.

Please let me know of any questions you may have. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---------- Forwarded message ---------
From: **Kathy Bernier** <kathy@keepourrepublic.org>
Date: Fri, May 10, 2024 at 3:25 PM
Subject: Fwd: Requests for the entire Wisconsin voter database
To: <Sen.Krug@legis.wi.gov>

Hello Scott....and staff,

I see here that LTSB has already requested the "list", active and inactive voters. I had suggested to Robin Vos, that we have LTSB confirm that there were not inactive voters activated for November and then deactivated after the election. It would seem to me that a simple comparison of the names from early 2020 and then Election Day would confirm that this did NOT happen.

What do you think?

I know it is a challenge to disprove fiction, but I find it difficult to ignore them.

AMERICAN OVERSIGHT

Thanks,
Kathy Bernier

Kathy Bernier

---------- Forwarded message ---------
From: **Kehoe, Robert Y - ELECTIONS** <robert.kehoe@wisconsin.gov>
Date: Tue, May 7, 2024 at 1:31 PM
Subject: RE: Requests for the entire Wisconsin voter database
To: kathy@keepourrepublic.org <kathy@keepourrepublic.org>, anthony@keepourrepublic.org <anthony@keepourrepublic.org>
Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>, Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>, Vetterkind, Riley - ELECTIONS <riley.vetterkind@wisconsin.gov>

Good afternoon,

Attached is a list of requests for the entire Wisconsin voter database that were fulfilled between May 7, 2021 and May 7, 2024. There are 93 requests submitted by 23 different organizations listed below.

| **Organizations** |
|---|
| Aristotle |
| Catalist LLC |
| Civitech |
| Democratic Party of Wisconsin |
| eMerges.com |
| i-360 |
| L2 Political |
| Let's Preserve the American Dream |
| Locallabs |
| PowerPAC.org |
| Public Interest Tech Lab |
| Republican National Committee |
| Self, Michael D. Dean LLC |
| Statara Solutions LLC |
| The Data Trust |
| True the Vote |
| Valid Vote, Inc. |
| Voter Reference Foundation |
| Voteshield Protection, LLC |
| Wisconsin Center For Election Justice |
| Wisconsin Legislative Audit Bureau |

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| |
|---|
| Wisconsin Legislative Technical Services Bureau |
| Wisconsin Senate Committee on Shared Revenue, Elections, and Consumer Protection |

The **Legislative Audit Bureau** reviewed voter data in seven different blocks, instead of taking the entire database at once. Their requests are thus shown as seven *partial* entries, based on the dates they requested each block of information.

Not shown is a legislative request from **Senator Dewey Strobel**, which occurred prior to May ’21.

Finally, the **Wisconsin Institute for Law and Liberty (WILL)** is not shown because they did not purchase the entire state database. Instead, WILL opted to review all registrations/activations that occurred between May 1, 2020 and November 4, 2020. Their request was dated June 15, 2021.

Let me know if you have any questions about this information.

Sincerely,

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
https://elections.wi.gov

--

AMERICAN OVERSIGHT

**Kathy Bernier** |**Wisconsin State  Director at** KOR kathy@keepourrepublic.org
715-590-8754

keepourrepublic.org

--



**Kathy Bernier** |**Wisconsin State  Director at** KOR kathy@keepourrepublic.org
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keepourrepublic.org

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:10 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 68

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**From:** Reinemann, John
**Sent:** Thursday, June 6, 2024 12:44 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Fw: Request for an analysis of the Wisconsin voter database from WEC

Hi Scott. Travel day for you, I know.

Late yesterday Jeff Ylvisaker of LTSB called me for a second time re our request to look at election data.

His follow-up email to me is below. Please note that he provides a link to the LAB audit of elections administration from late 2021.

Jeff had some points he made repeatedly, a couple of which I feel were peripheral to my conversations w him. He tells me that (as we knew) LTSB itself cannot do analysis of the data, not well anyway. I have told him that we know this and that we think LAB would / could be the provider of the analysis.

The good news is that Jeff Y says he can supply the WEC data on voting, to another state entity and that would include LAB or you personally as a legislator. He kept repeating that LTSB can supply you Rep. Scott Krug with the datasets, and this also seems to me to be a peripheral point but because of Jeff's focus on it, I share it w you for your information.

Jeff also confided in me that word has reached some quarters that 1. LTSB has this data and 2. LTSB has, and will continue to, surrender the WEC data under open records requests, and 3. Some one individual person has now been doing this (getting the WEC data from LTSB) for some couple of years now.

Jeff reminded me that LAB had done an audit of election administration in late 2021 (link in his message below) and suggested that this audit had taught LAB a great deal about not just the statistics of voting but the legal and policy and administrative overlays of elections in the state. A good point of course.

I have looked again at that audit and as Jeff Y suggests, a great deal of it is not so much about "how many people voted and may subsequently disappeared" as it is about elections operations.

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That said, Jeff points out that some of the nuances of the WEC data change from election to election. The data columns, the organization of the data, the technical requirements needed to access and manipulate the datasets, all change in some ways and thus accessing the data requires a high level of IT / database knowledge.

I see in the 2021 audit that LAB made "30 recommendations for improvements, which are located throughout the report and comprehensively listed in Appendix 7. We include 18 issues for legislative consideration, which are
located throughout the report and comprehensively listed in Appendix 8." (Transmittal letter)

Many of these issues will be familiar to you. The recommendations fall into two mail categories, things for WEC to consider and things for the legislature to consider.

Some of the suggestions made to WEC have indeed been addressed, or at least considered, by WEC since the release of the audit; the same could be said for the issues suggested to the legislature. Some of the issues we discussed in committee; some we saw proposals toward; some we are still at work on now.

The recommendations begin on page 141 and run through page 152.

It seems to me that we should continue to work on obtaining analysis of the elections data as it is available (2019 - 2023). This means getting LAB to agree to do an analysis of the change in voter roll numbers from 2019 t0 2023, as we have discussed. We would then need to follow through with LTSB to get the data to LAB.

We may want to consider asking WEC which of the recommendations to WEC from LAB have been considered and which have seen actual action.

By the same token, we should consider looking at the LAB recommendations to the legislature and coming up with a list of which ones of these have been considered, have become legislation, and which have become law / been vetoed / failed to pass. We may want to work the Wisconsin Legislative Council (WLCS) on this.

Those are my comments and reactions for right now.

John

---

**From:** Ylvisaker, Jeff
**Sent:** Thursday, June 6, 2024 11:05 AM

AMERICAN OVERSIGHT

**To:** Reinemann, John; Rep.Krug
**Subject:** RE: Request for an analysis of the Wisconsin voter database from WEC

Good morning John,

Thank you for your time yesterday. I thought I would send a follow up email summarizing our conversation.

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In the case of your request, LTSB does not have the necessary knowledge/expertise in Wisconsin voter data or the audit process for us to assist. We also do not have the necessary staff resources and expertise to provide these types of analysis/audit services to the Legislature in general.

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Thank you,

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ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

---------- Forwarded message ---------
From: **Kathy Bernier** <kathy@keepourrepublic.org>
Date: Fri, May 10, 2024 at 3:25 PM
Subject: Fwd: Requests for the entire Wisconsin voter database
To: <Sen.Krug@legis.wi.gov>

Hello Scott....and staff,

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Kathy Bernier

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Subject: RE: Requests for the entire Wisconsin voter database
To: kathy@keepourrepublic.org <kathy@keepourrepublic.org>, anthony@keepourrepublic.org <anthony@keepourrepublic.org>
Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>, Sharpe, Angela B - ELECTIONS <angela.sharpe@wisconsin.gov>, Vetterkind, Riley - ELECTIONS <riley.vetterkind@wisconsin.gov>

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| |
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| i-360 |
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| Locallabs |
| PowerPAC.org |
| Public Interest Tech Lab |
| Republican National Committee |
| Self, Michael D. Dean LLC |
| Statara Solutions LLC |
| The Data Trust |
| True the Vote |
| Valid Vote, Inc. |
| Voter Reference Foundation |
| Voteshield Protection, LLC |
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:10 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 69

---

**From:** Reinemann, John
**Sent:** Monday, June 3, 2024 4:46 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Question from Rep. Krug re filing

Yes, the next step in a process of "You could do this. Not illegal. Not a problem. We have the technology, we have the permissions, we have what it takes. Eventually this gets us to "Why, WEC, won't you listen and comply w our request here?" That seem a fair summary?

---

**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 4:44 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Question from Rep. Krug re filing

Guess what I'm really after is "is it illegal in any way for DOT to share the information they have" with the a committee requesting it to complete their assigned oversight responsibilities

Scott
Sent from my iPhone

> On Jun 3, 2024, at 4:17 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
>
> Just talked to Peggy. She's been looking at it and will have something shortly.
>
> She cautions us that while there are a couple of ways to interpret the memo that conclude with "they must share it," she also cautions us that there isn't actually any way in the statute to compel WEC to do any particular specific thing with it. But one step at a time.
>
> Memo when I have it.
>
> John
>
> ---
>
> **From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
> **Sent:** Monday, June 3, 2024 3:40 PM

AMERICAN OVERSIGHT

**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Question from Rep. Krug re filing

Can we bother Peggy again on the question/memo on DOT's ability to share data regarding the permanent resident non citizen ID/DL List

Scott
Sent from my iPhone

> On Jun 3, 2024, at 2:30 PM, Krug, Scott <Scott.Krug@legis.wisconsin.gov> wrote:
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> Thanks it does help…I disagree but it helps have her get me closer to agreement lol…
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> > On Jun 3, 2024, at 2:26 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
> >
> > This from Peggy Hurley at WLCS.
> >
> > John
> >
> > ---
> >
> > **From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
> > **Sent:** Monday, June 3, 2024 12:58 PM
> > **To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
> > **Subject:** RE: Question from Rep. Krug re filing
> >
> > Hi John,
> >
> > Thank you for your question. In my opinion, s. 990.001 (4) (c), Stats., applies to this deadline and moves the deadline from June 1 to June 3, 2024. I note that the introduction to s. 990.001 states: "In construing Wisconsin laws the following rules shall be observed unless construction in accordance with a rule would produce a result inconsistent with the manifest intent of the legislature:"

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Under s. 990.001 (4) (c), Stats.:

> When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, village, town, school district or other subdivision of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, said proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

Filing nomination papers falls into the conditions described in that statute: the last day within an act is to be done, which consists of the filing with any agency of the state, falls on a Saturday and the duly established official office hours of the agency do not include any office hours on Saturday. Then, pursuant to the statute, the act may be done on the next succeeding day that is not a Sunday or a legal holiday. The Wisconsin Elections Commission does not hold regular office hours on Saturday; therefore the exception in s. 990.001 (4) (c), Stats. applies.

You note that s. 8.15 (1) states that exceptions to the deadline may be only "as authorized in this subsection." I believe that the exception authorized in that subsection is the extension granted by that statute when an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on June 1. I reach this conclusion because the rule of statutory construction established by s. 990.001 (4) applies broadly unless it is specifically excepted (see s. 801.15 (1) (b), Stats., for an example) or it is inconsistent with the manifest intent of the legislature.

I hope this is helpful; please let me know if you have additional questions.

Peggy


**Peggy J. Hurley**
Senior Staff Attorney, Wisconsin Legislative Council
608.504.5724 | peggy.hurley@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

AMERICAN OVERSIGHT

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 11:47 AM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** Question from Rep. Krug re filing
**Importance:** High

Hi Peggy.

Peggy, Rep. Krug asks me:

> *I've gotten a lot of questions from folks at caucus and via text about the filing deadline. Is it statutory that nomination signatures must be collected by 6/1? I think it is in Ch 8 of statute. 8.15(1) seems pretty clear to me.*
>
> *There is other state law allowing the "filing" extension to be moved because of the weekend 990.001 (4) but 8.15(1) says the act of filing nomination papers isn't one that falls into 990.001(4) saying no later than June 1 at 5pm except as authorized in THIS subsection.*
>
> *Is there anything in play here? I think we need Peggy to help here as others have issues with this date as well..*

Can you shed any light here? Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

<image001.jpg>

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:11 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 70

---

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**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Question from Rep. Krug re filing

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She cautions us that while there are a couple of ways to interpret the memo that conclude with "they must share it," she also cautions us that there isn't actually any way in the statute to compel WEC to do any particular specific thing with it. But one step at a time.

Memo when I have it.

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AMERICAN OVERSIGHT

John

---

**From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 12:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Question from Rep. Krug re filing

Hi John,

Thank you for your question. In my opinion, s. 990.001 (4) (c), Stats., applies to this deadline and moves the deadline from June 1 to June 3, 2024. I note that the introduction to s. 990.001 states: "In construing Wisconsin laws the following rules shall be observed unless construction in accordance with a rule would produce a result inconsistent with the manifest intent of the legislature:"

Under s. 990.001 (4) (c), Stats.:

> When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, village, town, school district or other subdivision of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, said proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

Filing nomination papers falls into the conditions described in that statute: the last day within an act is to be done, which consists of the filing with any agency of the state, falls on a Saturday and the duly established official office hours of the agency do not include any office hours on Saturday. Then, pursuant to the statute, the act may be done on the next succeeding day that is not a Sunday or a legal holiday. The Wisconsin Elections Commission does not hold regular office hours on Saturday; therefore the exception in s. 990.001 (4) (c), Stats. applies.

You note that s. 8.15 (1) states that exceptions to the deadline may be only "as authorized in this subsection." I believe that the exception authorized in that subsection is the extension granted by that statute when an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on June 1. I reach this conclusion because the rule of statutory construction

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established by s. 990.001 (4) applies broadly unless it is specifically excepted (see s. 801.15 (1) (b), Stats., for an example) or it is inconsistent with the manifest intent of the legislature.

I hope this is helpful; please let me know if you have additional questions.

Peggy

<image001.jpg>
**Peggy J. Hurley**
Senior Staff Attorney, Wisconsin Legislative Council
608.504.5724 | peggy.hurley@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 11:47 AM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** Question from Rep. Krug re filing
**Importance:** High

Hi Peggy.

Peggy, Rep. Krug asks me:

> *I've gotten a lot of questions from folks at caucus and via text about the filing deadline. Is it statutory that nomination signatures must be collected by 6/1? I think it is in Ch 8 of statute. 8.15(1) seems pretty clear to me.*
>
> *There is other state law allowing the "filing" extension to be moved because of the weekend 990.001 (4) but 8.15(1) says the act of filing nomination papers isn't one that falls into 990.001(4) saying no later than June 1 at 5pm except as authorized in THIS subsection.*
>
> *Is there anything in play here? I think we need Peggy to help here as others have issues with this date as well..*

Can you shed any light here? Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

<image001.jpg>

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:12 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 71
Attachments: Draft EL 12 Rule Order.docx; EL 12 Fiscal Estimate and Economic Impact Analysis.pdf; EL 12 Hearing and Comment Period Notice.docx; EL 12 Rules Clearinghouse Notice.docx; EL 12 Fiscal Estimate and Economic Impact Analysis.doc

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**From:** Reinemann, John
**Sent:** Wednesday, May 15, 2024 3:53 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)
**Importance:** High

---

**From:** Veserat, Jeryn <Jeryn.Veserat@legis.wisconsin.gov>
**Sent:** Wednesday, May 15, 2024 3:51 PM
**To:** *Legislative All Assembly <ALLASM@legis.wisconsin.gov>
**Subject:** FW: WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)

---

**From:** Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>
**Subject:** WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)

Good afternoon,

Please find attached from the Wisconsin Elections Commission for your review and distribution the Fiscal Estimate and Economic Impact Analysis for the proposed amendments to Wis. Admin. Code Ch. EL 12 on the training and certification of municipal clerks. Also attached for your awareness are notices of submission to the Rules Clearinghouse and the notice of a public hearing and comment period for the proposed rule, along with the draft rule order.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
P.O. Box 7984
Madison, WI 53707-7984
brandon.hunzicker@wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:13 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 72
Attachments: Public_Notice_(Informational)_5-16-24_Shared_Revenue,_Elections_and_Consumer_Protection.docx

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**From:** Reinemann, John
**Sent:** Thursday, May 9, 2024 11:16 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Update on the hearing May 16

I just spoke w Bill in Knodl's office. See attached. This is still a draft.

Some background:

1. DOT is sending someone, maybe not Craig Thompson but someone. Bill was initially describing DOT as "cooperative" but now backs off that somewhat.

   I will be emailing Kathey Bilek shortly to ask her for the data she promised us on this.

2. Bill invited WEC. He expects they'll send someone from PR since the Senate takes the position that they fired Meghan Wolfe and she can't come since she's been fired.

3. Knodl had Bill reach out to Ashley Reichert in Fond du Lac just because he trusts her. Bill did not reach out to Lisa K or to Kim Trueblood. I told Bill I felt that Rep. Krug would want to at least see if Lisa Knutson would want to join Ashely at the hearing. He's fine w that and agreed that she could speak if she wishes.

4. Eric Toney apparently told Knodl he wants to speak as well, and Bill was not able to tell me a great deal about what exactly Toney wants to speak on and how it relates to the matter at hand. He suggests that you call Sen. Knodl on this. ( ?!? )

Bill thinks the notice can go out… maybe today, certainly tomorrow.

That is what I know right now. I'll email Kathey B at DOT and I'll call Lisa at Rock Co. now.

John

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Thursday, May 9, 2024 10:40 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

AMERICAN OVERSIGHT

John,

Let me know of any edits you have.

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, May 8, 2024 10:13 AM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

Bill, I am leaving shortly to do a platelet donation. Any idea when your committee notice will go out? Thanks!

John

---

**From:** Reinemann, John
**Sent:** Tuesday, May 7, 2024 2:55 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

I ONLY JUST called you on this : - ) perfect! Thanks!

All but one Republican member of Assembly C+E member can attend. Haven't yet told any of the Dems. We hope they can make it : - )

Let's talk before we do a notice but I think we're ready over here.

Thanks again!

John

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Tuesday, May 7, 2024 2:30 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

John,

I reserved 411 S for Thursday, May 16 at 10AM.

I am still waiting for confirmation from a couple of people before sharing a draft of a hearing notice.

**William Neville**
Office of Sen. Dan Knodl | Room 108 South
8th Senate District

AMERICAN OVERSIGHT

William.Neville@legis.wisconsin.gov
608.504.5328

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, May 6, 2024 1:31 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

How might Thursday May 16 work? Time is flexible, 10.00 am or later please

John

---

**From:** Neville, William <William.Neville@legis.wisconsin.gov>
**Sent:** Monday, May 6, 2024 1:19 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: DMV response on IDs, step 1

Thank you

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, May 6, 2024 12:47 PM
**To:** Neville, William <William.Neville@legis.wisconsin.gov>
**Subject:** FW: DMV response on IDs, step 1

William: Attached is "Voting_ID_flyer", the (now-replaced) version of the poster that Rep. Krug saw; and also attached is DOT's initial response to my inquiry.

I'll see if Thursday May 16 works for Rep. Krug. Kathey Bilek promises us some data "next week" (which is to say, this week!), and you told me the Senate is in on Tuesday, so…

John

---

**From:** Reinemann, John
**Sent:** Thursday, May 2, 2024 2:52 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** DMV response on IDs, step 1

More to come.

Note that Kathey B has made a point of telling us that the flyer you saw has been changed. I've attached the pic of that flyer, that you sent me, just so you have all this in one place.

John

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**From:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Sent:** Thursday, May 2, 2024 1:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Voicemail from last week

Hi John,

I'm glad you followed up with email on this. I didn't catch a voicemail from you, though that has been an issue with my work iPhone from time to time.

I'm getting lots of questions on this subject, and staff is already pulling the numbers requested. It's a bit of a project, so it will probably be sometime next week before I have something on that. Our Deputy Secretary is my go-to for these questions rather than the Secretary, since she used to be the head of DMV prior to joining us in the Secretary's Office. I'm happy to set up a separate call on that subject to talk through the process/questions. I'm also attaching a memo we put together as an overview on ID issuance.

We process the applications as required by statute. The process is strictly detailed in 343.165(8), which was enacted in 2017 under a republican legislature and governor. Wis. Stat 343.50(1)(c) speaks to the receipt piece: *the department shall issue a receipt to an applicant requesting an identification card free for the purposes of voting for a period not to exceed 60 days. Additionally, the department shall issue a new receipt to the person, that applied via the petition process, not later than 10 days before the expiration date of the prior receipt, and having a date of issuance that is the same as the expiration date of the prior receipt (unless the application has been denied or cancelled)*

RE: the flyer in the email you sent after this- we heard concerns about the wording of it (and our website), so we made some changes. A couple of changes have been made to our website (attached) and flyer (below) in response to that feedback.

AMERICAN OVERSIGHT




Kathey S. Bilek
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Office: 608-266-7364 | Cell: 608-400-2278
Fax: 608-266-9912
KatherineS.Bilek@dot.wi.gov

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Thursday, May 2, 2024 1:43 PM
**To:** Bilek, Katherine S - DOT <katherines.bilek@dot.wi.gov>
**Subject:** Voicemail from last week
**Importance:** High

AMERICAN OVERSIGHT

**CAUTION: This email originated from outside the organization.**
**Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kathey, I am on your voicemail last week with an inquiry about IDs and their use in voting. Our particular point of interest there is the IDs that get issued on less-than-traditional credentials, especially those issued without a birth certificate (the "IDPP" cards).

Rep. Krug would like to know more about the IDPP card: How many are issued over time? What are the trends? Can we get some assurance (by which I mean some details) on how the process works and how the IDPP is being prevented from becoming a problem in the realm of election security? We are asked these sorts of questions and we feel it behooves us to know more than we currently do.

That is what we want to discuss. We'd like to hear what DOT / DMV has to say about this. Can you start assembling some info?

I suppose this too may come up in a phone call between Rep. Krug and Sec. Thompson so here we are.

Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:14 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 73

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**From:** Reinemann, John
**Sent:** Wednesday, April 24, 2024 1:14 PM
**To:** 'Kim Trueblood' <Kim.Trueblood@co.marathon.wi.us>
**Subject:** RE: WEC

https://docs.legis.wisconsin.gov/2023/proposals/ajr6

LC Amendment Memo

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>
**Sent:** Wednesday, December 6, 2023 2:40 PM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Trent Miner <Trent.Miner@woodcountywi.gov>
**Subject:** Re: WEC

Good to hear - that would be an unmitigated disaster.
Thanks Scott.

*Kim Trueblood*
Marathon County Clerk
kim.trueblood@co.marathon.wi.us
715-261-1501

AMERICAN OVERSIGHT

**From:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Sent:** Wednesday, December 6, 2023 1:40 PM
**To:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Trent Miner <Trent.Miner@woodcountywi.gov>
**Subject:** [EXTERNAL] Re: WEC

If anything like this would be close to passing I certainly wouldn't allow a mid stream change in 2024.

Scott

---

**From:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>
**Sent:** Wednesday, December 6, 2023 8:28:14 AM
**To:** Reinemann, John; Rep.Krug
**Cc:** Trent Miner
**Subject:** RE: WEC

Thanks for the info – it's a lot to digest.
The timing is certainly not ideal…….

*Kim Trueblood*
Marathon County Clerk
kim.trueblood@co.marathon.wi.us
715-261-1501

---

**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Tuesday, December 5, 2023 11:13 AM
**To:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>; Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Cc:** Trent Miner <Trent.Miner@woodcountywi.gov>
**Subject:** [EXTERNAL] RE: WEC

Hi Kim.

Here is the email that we all received on this yesterday.

I think this is coming, in part, from a feeling that: Ok, various people are saying that the current arrangement (WEC) isn't perfect. So, some people are calling for the removal of Ms. Wolfe and / or the

AMERICAN OVERSIGHT

termination of the WEC. Ok fine – but there has not been a lot of discussion about what might REPLACE the WEC. And that's an important part of it, if it's going to happen.

There is also a feeling that direct accountability to voters may be worth at least a look compared to what we have now, and that maybe putting an elected individual accountable directly to voters is something that would accomplish this. 33 other states allow a direct election of the top election official, 4 others allow elected representatives to select that person.

Here is how all 50 states manage finding their top election officials: https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels

Circulating and even introducing this proposal will get it looked at thoroughly. Looking at a lot of possibilities, seems like a worthwhile effort right now. So there's that. And just because it has ten co-sponsors, doesn't mean that Gov. Evers will be persuaded either.

Does that help?

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

---

**From:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>
**Sent:** Tuesday, December 5, 2023 9:14 AM
**To:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Trent Miner <Trent.Miner@woodcountywi.gov>
**Subject:** WEC

Good Morning!

Just heard this mentioned on the radio, so I looked it up. Any background you can provide at all?
https://www.thecentersquare.com/wisconsin/article_6af418c6-937a-11ee-9c0b-f34deb28d766.html
Thanks!

*Kim Trueblood*
Marathon County Clerk
kim.trueblood@co.marathon.wi.us
715-261-1501

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Statement of Confidentiality

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If you are not the intended recipient of this email, any use, dissemination, forwarding, printing, or copying of this email is prohibited. Please notify the sender of this email of the error and delete the email.

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AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:15 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 74

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**From:** Reinemann, John
**Sent:** Thursday, April 18, 2024 8:34 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: WEC issue from City of Adams, spring election

More to come on the Adams ballot situation. Sounds like they are aware of it.

JRe

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 5:12 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: WEC issue from City of Adams, spring election

I'd probably need more information about those ballots. Being in the wrong ward is not a reason to reject an entire absentee ballot. They just don't count the local contest that's wrong, it doesn't invalidate up-ballot contests where the ward is immaterial. Ordinarily the ballot style wouldn't be a factor for SVDs, since care facility residents generally live at the location 24/7 and don't "reside" anywhere else. But I'm sure there could be exceptions.

We are aware of a situation with two ballots invalidated in Adams County because an SVD mistakenly, and improperly, registered the voters after the close of registration. Special Voting Deputies were allowed to accept ballots until 5:00 p.m. on Monday, April 1 (Wis. Stat. § 6.875(6)) but voter registration closed on Friday, March 29 (Wis. Stat. § 6.29(2)(a)). The law has a small window before every election (Saturday to Monday) where an SVD can collect votes but cannot register voters. I doubt this was intentional but that's the way the laws are written.

So, this could be a case of the facts getting scrambled. Tomorrow I can try to verify if we're talking about the same two ballots.

Indefinitely confined doesn't apply here. It's just a way to request absentee ballots by mail.

Hope that is helpful,

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
Phone - 608.261.2019
Fax – 608.267.0500
robert.kehoe@wisconsin.gov
https://elections.wi.gov

AMERICAN OVERSIGHT

**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Wednesday, April 17, 2024 2:31 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** FW: WEC issue from City of Adams, spring election

Hi again Rob. A separate topic from the Rep. Krug office.

Rep. Krug writes me that

> So, we had a closely contested Adams county board race this spring. The incumbent lost by two votes. He has the west side of the city of Adams and a piece of the surrounding town of Adams as well.
>
> His margin in the town and the one ward was significant. He lost the election however in the city ward that has an assisted living facility located within.
>
> The incumbent who lost requested a recount which occurred last week which I attended in person.
>
> At the end of the hand count there were two rejected absentee ballots. They were completed, sealed and received by the clerk's office. The deputy clerk kicked them out as the individuals completing the ballots were not registered voters in that ward.
>
> Question is…how did they get the ballots for that ward without confirming residency? I believe the clerk answered that it was because the special voting deputies assisted with voting in this facility. But again, I wonder if they just take blank ballots with them? Or do voters requiring assistance from special voting deputies have to request a ballot and assistance?
>

So let me ask WEC: What is proper procedure here? Can someone just take blank ballots with them (to a facility) when they act as a special voting deputy, or do voters requiring assistance from special voting deputies have to request a (specific) ballot and any necessary assistance (beforehand)?

The voters involved are of course (it seems to me) among the "indefinitely confined." Does their status as such, alter anything? I know special voting deputies are limited in what they can do and where they can do it and for whom, but (as w my last message) is there some aspect of this I'm not catching?

Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

AMERICAN OVERSIGHT

Room 223 North, State Capitol
608-266-0215
john.reinemann@legis.wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:36 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 75
Attachments: Draft EL 12 Rule Order.docx; EL 12 Fiscal Estimate and Economic Impact Analysis.pdf; EL 12 Hearing and Comment Period Notice.docx; EL 12 Rules Clearinghouse Notice.docx; EL 12 Fiscal Estimate and Economic Impact Analysis.doc

---

**From:** Reinemann, John
**Sent:** Wednesday, May 15, 2024 3:53 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)
**Importance:** High

---

**From:** Veserat, Jeryn <Jeryn.Veserat@legis.wisconsin.gov>
**Sent:** Wednesday, May 15, 2024 3:51 PM
**To:** *Legislative All Assembly <ALLASM@legis.wisconsin.gov>
**Subject:** FW: WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)

---

**From:** Hunzicker, Brandon L - ELECTIONS <brandon.hunzicker@wisconsin.gov>
**Subject:** WEC Submission of Fiscal Estimate and Economic Impact Analysis Under Wis. Stat. s. 227.137(4)

Good afternoon,

Please find attached from the Wisconsin Elections Commission for your review and distribution the Fiscal Estimate and Economic Impact Analysis for the proposed amendments to Wis. Admin. Code Ch. EL 12 on the training and certification of municipal clerks. Also attached for your awareness are notices of submission to the Rules Clearinghouse and the notice of a public hearing and comment period for the proposed rule, along with the draft rule order.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
P.O. Box 7984
Madison, WI 53707-7984
brandon.hunzicker@wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:37 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 76

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**From:** Reinemann, John
**Sent:** Friday, February 9, 2024 3:14 PM
**To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
**Subject:** RE: New rules from WEC on addresses

Thank you Robert. I will share w Rep. Krug.

John Reinemann

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, February 9, 2024 1:28 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: New rules from WEC on addresses

Here's the order. The court declined to stay the circuit court's order in the LWV case on witness addresses.

> On Feb 9, 2024, at 2:23 PM, Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov> wrote:
>
> You wouldn't have the appellate ruling or a link to it, would you?
>
> And the meeting minutes are surely not ready yet but can you share the motions that were made?
>
> Thank you Robert.
>
> John Reinemann
>
> ---
>
> **From:** Reinemann, John
> **Sent:** Friday, February 9, 2024 12:34 PM
> **To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
> **Subject:** RE: New rules from WEC on addresses

AMERICAN OVERSIGHT

Yes, we understand the meeting is very recent and I will look at the newest ruling as well. Thank you!

John

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, February 9, 2024 12:14 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: New rules from WEC on addresses

Hi John,

Can do. Everything was waiting on the Commission's meeting yesterday – and the Wisconsin Court of Appeals ruling received yesterday. There are a few drafts in the works. I will forward to you as soon as anything is published.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
201 West Washington Ave.
Madison, WI 53704
(608) 261-2019

<image001.png>

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**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Friday, February 9, 2024 11:59 AM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** New rules from WEC on addresses
**Importance:** High

Hi Robert. Hey, might you be able to send us what has been done in the last couple of days regarding addresses? Rep. Krug would very much like to see it.

We are particularly interested in what is being said not just regarding what address information is required but also whatever guidance / directives are being offered re ballot curing.

Happy to answer any questions. Please send what you can, when you can. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL

AMERICAN OVERSIGHT

608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:41 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 77
Attachments: LWVW v. WEC CA1 Order Denying Stay Motion.pdf

---

**From:** Reinemann, John
**Sent:** Friday, February 9, 2024 2:29 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** Appellate ruling on addresses
**Importance:** High

Appealate court leaves circuit court ruling in place. Arg

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, February 9, 2024 1:28 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: New rules from WEC on addresses

Here's the order. The court declined to stay the circuit court's order in the LWV case on witness addresses.

> On Feb 9, 2024, at 2:23 PM, Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov> wrote:
>
> You wouldn't have the appellate ruling or a link to it, would you?
>
> And the meeting minutes are surely not ready yet but can you share the motions that were made?
>
> Thank you Robert.
>
> John Reinemann

---

**From:** Reinemann, John
**Sent:** Friday, February 9, 2024 12:34 PM
**To:** 'Kehoe, Robert Y - ELECTIONS' <robert.kehoe@wisconsin.gov>
**Subject:** RE: New rules from WEC on addresses

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Yes, we understand the meeting is very recent and I will look at the newest ruling as well. Thank you!

John

---

**From:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Sent:** Friday, February 9, 2024 12:14 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: New rules from WEC on addresses

Hi John,

Can do. Everything was waiting on the Commission's meeting yesterday – and the Wisconsin Court of Appeals ruling received yesterday. There are a few drafts in the works. I will forward to you as soon as anything is published.

Robert Kehoe
Deputy Administrator
Wisconsin Elections Commission
201 West Washington Ave.
Madison, WI 53704
(608) 261-2019

<image001.png>

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**From:** Reinemann, John - LEGIS <john.reinemann@legis.wisconsin.gov>
**Sent:** Friday, February 9, 2024 11:59 AM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** New rules from WEC on addresses
**Importance:** High

Hi Robert. Hey, might you be able to send us what has been done in the last couple of days regarding addresses? Rep. Krug would very much like to see it.

We are particularly interested in what is being said not just regarding what address information is required but also whatever guidance / directives are being offered re ballot curing.

Happy to answer any questions. Please send what you can, when you can. Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL

AMERICAN OVERSIGHT

608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:42 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 78

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**From:** Rongstad, Tami <Tami.Rongstad@legis.wisconsin.gov>
**Sent:** Monday, May 20, 2024 9:42 PM
**To:** Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>; Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>; Field, Adam <Adam.Field@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Grosz, Scott <Scott.Grosz@legis.wisconsin.gov>
**Subject:** RE: WEC Promulgated Observer Rules - CR 24-032

Many thanks, all.

---

**From:** Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>
**Sent:** Monday, May 20, 2024 4:04 PM
**To:** Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>; Rongstad, Tami <Tami.Rongstad@legis.wisconsin.gov>; Field, Adam <Adam.Field@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Grosz, Scott <Scott.Grosz@legis.wisconsin.gov>
**Subject:** RE: WEC Promulgated Observer Rules - CR 24-032

Hi Tami,

The general procedure you listed is right, and as Joe said, because it's now in the interim, approval would be needed from both presiding officers to get a referral to committee. Otherwise the Legislature would treat a rule that's received during the interim as being received at the beginning of the next legislative session. I've not seen that approval happen, though that's an option on the books.

If it is submitted in the interim and leadership agrees to refer it to committee, it would go to the current standing committees. But, rather than the usual 30-day jurisdiction and then moving to JCRAR, the standing committee's review period extends to the beginning of the next legislative session. In other words, it wouldn't be passive review, and to move out of the standing committees would need an exec. [s. 227.19 (4) (b) 1m., Stats.]

The proposed rule hasn't been submitted to the Legislature yet, which means that the default is that if it is submitted at any time now during the interim, it would be treated as being received at the beginning of the next session, unless leadership agrees to refer it to committees.

*-Margit*

---

**From:** Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>
**Sent:** Monday, May 20, 2024 3:04 PM
**To:** Rongstad, Tami <Tami.Rongstad@legis.wisconsin.gov>; Field, Adam

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<Adam.Field@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Cc:** Grosz, Scott <Scott.Grosz@legis.wisconsin.gov>; Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>
**Subject:** RE: WEC Promulgated Observer Rules - CR 24-032

Tami,

Yes, you have the right workflow on this. If WEC wanted this rule in place before 2024 fall election they would need to get Asm/Sen leaders to ask for it then likely have JCRAR to vote to approve, not sure standing cmtes would be involved though. Don't believe it's ever happened before.

CC'ing Scott and Margit at LC on this inquiry.

jz

---

**From:** Rongstad, Tami <Tami.Rongstad@legis.wisconsin.gov>
**Sent:** Friday, May 10, 2024 7:17 PM
**To:** Field, Adam <Adam.Field@legis.wisconsin.gov>; Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>; Neville, William <William.Neville@legis.wisconsin.gov>; Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** WEC Promulgated Observer Rules - CR 24-032

Hi, everyone –

I'm double checking on where we are in the process for CR 24-032 and sharing correspondence from a concerned citizen.
It looks like the hearing was held and the comment period ended on April 24.
Next up – agency writes the final rule, Governor approves, and is sent to the Legislature for referral to committees and review?

I'm curious if any of you are watching this one and have thoughts you'd like to share. Feel free to give me a call.

Thanks,

Tami Rongstad
Office of Rep. Amanda Nedweski
*Wisconsin Assembly District 61*
*Wisconsin Assembly District 32*
State Capitol - 7 West
(608) 237-9286

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As promised, here are three documents: 1) the latest Observer rules from WEC:

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These documents can be accessed on the Commission's website, here: Draft Rule Chapter EL 4 - Election Observers | Wisconsin Elections Commission, or on the Legislature's website, here: SS 089-22 (wisconsin.gov)

2) RNC comments to WEC are attached.

3) Here are my written comments:

13 lines of Wis Stat 7.41 has developed into 13 pages of many unfriendly observer rules. Too many of these rules conflict with existing statutes which is strictly prohibited by Wis stat 227.02. WEC has exceeded its authority by attempting to promulgate rules that clearly dismantles the statutory protection afforded observers. Interpretation MUST come from an existing law!!

First example of this is regards EL 4.05 called Location Specific requirements sub 4(f): WEC's rule reads that "an observer shall not be permitted to enter a voter's private room and the voter may elect to close their door or otherwise secure their voter privacy." Not documented from I can see under "statutes interpreted" is statute 6.875(6)(b) where a home or a facility shall become a polling place. WEC defined that one of the observable locations is a facility served by SVDs'. Hence, voting that occurs in a commons area or any other room is collectively part of a facility. You absolutely cannot separate the two. WEC egregiously ignores 6.875(6)(b) that clearly states "for purposes of the application of wis stat 7.41, the home or facility SHALL be treated as a polling place". The word SHALL indicates something is mandatory or why else would that be a statute! Observers are protected by the law to observe all aspects of the voting process in any area in a facility . Furthermore, closing of doors is a safety issue. Nobody has the authority to make a regulation that interferes with a statute.

Secondly, what stat says that an ID is not part of the public's aspect of the voting process? Please explain the violation of privacy if a PW can view an ID but an observer can't? Again, WEC did not and needs to state a statute to back this up. Regulations cannot exceed the authority of a statute.

Third, EL4.03(2)(b) states "an observer shall then be directed to an area of the observable location established by the designated election official as an observation area. We know that 7.41(2) says The observation areas (plural) shall be so positioned to permit any election observer to readily observe all public aspects of the voting process. Meaning there should be more than one area. Again, this 4.03(2)(b) rule does not abide by the existing statute.

I've said it before and I'll say it here again. There hasn't been one complaint against a trained observer that i know of in the past 2 plus years when hundreds of observers have exercised their right to be part of such an important part of the election process. My hope was that WEC would interpret 7.41 to support the rights and responsibilities of observers to make sure elections are conducted in a fair and impartial manner. Trust but verify. Many of these WEC rules infer observers are enemies of the state keeping them as far away from the election processes as possible. What are election officials so afraid of?

My last argument and in defense of observers, there is absolutely nothing written in this draft for recourse for observers. Plenty for everyone else involved. Why circumvent the respect due to observers?

I look forward to the Commission being more careful in continuing creating rules that bring confidence in the integrity of Wisconsin elections.

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:45 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 79

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**From:** Reinemann, John
**Sent:** Tuesday, February 6, 2024 3:45 PM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** FW: Request for documents

Well, now we're getting somewhere. I think this is Exhibit 1: https://s17596.pcdn.co/wp-content/uploads/2022/07/guidance_insufficient_witness_address_amended_10_1_38089.pdf

Exhibit 2: https://www.supremecourt.gov/opinions/urls_cited/ot2020/20a66/20a66-12.pdf

John

---

**From:** Reinemann, John
**Sent:** Tuesday, February 6, 2024 3:35 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Cc:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** Request for documents

Hi Robert.

I understand that we are expecting Chairman Millis and some WEC staff tomorrow at the hearing. Thank you.

Robert, might we get a copy of something? In the letter found here, referencing " Temporary Injunction on WEC Guidance re Missing Absentee Witness Address (White v. Wisconsin Elections Commission, 22-CV-1008)," mention is made to a temporary injunction that was attached to the letter, and a statement is made that

"(the) Temporary Injunction prohibits the WEC from disseminating or displaying the following memoranda:
1) The October 18, 2016, memorandum entitled "AMENDED: Missing or Insufficient Witness Address on Certificate Envelopes"
2) The October 19, 2020, memorandum entitled, "Spoiling Absentee Ballot Guidance"

The injunction notwithstanding, we are asking if we might have a copy of these memoranda in order to better understand the situation.

Thank you for your consideration.

AMERICAN OVERSIGHT

John Reinemann
Aide to Rep. Scott Krug

Room 223 North, State Capitol
608-266-0215
john.reinemann@legis.wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:46 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 80

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**From:** Reinemann, John
**Sent:** Thursday, February 1, 2024 3:28 PM
**To:** Kehoe, Robert Y - ELECTIONS <robert.kehoe@wisconsin.gov>
**Subject:** FW: Assembly Campaigns and Elections public hearing - February 7, 2024 at 10.00 AM

Hello Robert. Hope all is well at WEC.

Robert, I am sharing this committee notice with you because Rep. Krug wants to extend the opportunity for WEC to attend this hearing and participate in the committee discussion of the "address" issue as it has progressed recently.

I am sure you and the office know of the ruling on Tuesday by Dane County Circuit Court Judge Ryan Nilsestuen which requires WEC to rescind guidance it sent to clerks in September stating the agency could no longer advise clerks on whether or not to accept absentee ballots with incomplete address information written on ballot envelopes by a voter's witness. The ruling further requires WEC to rescind guidance it sent to clerks in September stating the agency could no longer advise clerks on whether or not to accept absentee ballots with incomplete address information written on ballot envelopes by a voter's witness.

You may also know that an appeal is being filed on behalf of the legislature, which I mention by way of being thorough.

That said, prior to the ruling there had been introduced 2023 Senate Bill 966, which relates to witness address requirements on absentee ballot certificates and curing defects on absentee ballot certificates. That bill has an Assembly companion, and our Assembly Committee on Campaigns and Elections will be hearing the Assembly bill next week. Below is the hearing notice, which details our plan to hear the bill next Wednesday February 7 at 10.00 AM in Room 300 NE, State Capitol. (The Assembly version of the bill is now Assembly Bill 1037 and I will be revising the committee meeting notice later today to recognize that.)

Will WEC please plan to attend the hearing and to speak on the merits of (or concerns with) 2023 AB 1037? The committee would very much appreciate it.

Please confirm for us that we can expect to see someone from WEC next week, or alternatively please let us know if you have concerns about appearing.

Thank you. We look forward to hearing from you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

AMERICAN OVERSIGHT

Room 223 North, State Capitol
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

**From:** Rep.Krug <Rep.Krug@legis.wisconsin.gov>
**Sent:** Wednesday, January 31, 2024 1:33 PM
**To:** *Legislative Everyone <LegEveryone@legis.wisconsin.gov>
**Subject:** Assembly Campaigns and Elections public hearing - February 7, 2024 at 10.00 AM

*Assembly*

# PUBLIC HEARING

## Committee on Campaigns and Elections

The committee will hold a public hearing on the following items at the time specified below:

Wednesday, February 7, 2024
10:00 AM
300 Northeast

**LRB 5620**

Companion to 2023 SB 966, An Act to renumber 6.87 (9); to renumber and amend 6.87 (6d); to amend 6.86 (6) and 6.87 (2) (intro.); and to create 6.87 (6d) (a) to (g) and 6.87 (9) (b) of the statutes; Relating to: witness address requirements on absentee ballot certificates, curing defects on absentee ballot certificates, and providing a penalty.

Representative Scott Krug
Chair

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:47 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 81

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**From:** Reinemann, John
**Sent:** Wednesday, January 31, 2024 10:50 AM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: WEC, SB 966, and the emergency rule process

---

**From:** Reinemann, John
**Sent:** Wednesday, January 31, 2024 10:21 AM
**To:** Zapf, Joe <Joe.Zapf@legis.wisconsin.gov>
**Subject:** WEC, SB 966, and the emergency rule process

Hi Joe. Hope all is well.

Joe, Rep. Krug wants to get your wisdom on a situation.

We have before the legislature SB 966 having to do with what constitutes “an address” for voting purposes. (Side note: There is an Assembly companion to it that has been sent to the Speaker’s Office for referral and we are trying to accelerate that.)

Meanwhile, we had court ruling yesterday from

https://madison.com/news/state-regional/government-politics/wisconsin-absentee-ballots-witness-signature/article_97da60f8-bfb1-11ee-bf18-5329130a9e25.html#tracking-source=home-top-story

So this judge (who used to be a deputy legal counsel to Evers) has overruled WEC on what constitutes “an address”. We don’t think that should stand.

On the one hand, SB 966 / AB tbd would presumably be a shot across the bow on the whole situation. That’s not our question.

Our QUESTION is that Rep. Krug is contemplating 1. Having a hearing on the Assembly bill as soon as next week, and 2. Compelling WEC to come testify, and perhaps 3. Browbeating WEC into maybe doing an EMERGENCY RULE on the matter.

SO, Rep. Krug would like to know if you have thoughts on the emergency rule process in this context. He is in today if you have some time.

Thank you.

AMERICAN OVERSIGHT

John Reinemann
Aide to Rep. Scott Krug

Room 223 North, State Capitol
608-266-0215
john.reinemann@legis.wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:49 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 82

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**From:** Reinemann, John
**Sent:** Tuesday, December 19, 2023 5:03 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call

Found this useful also
https://www.ncsl.org/state-legislatures-news/details/more-withdrawals-from-voter-data-group-eric-likely

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**From:** Reinemann, John
**Sent:** Tuesday, December 19, 2023 4:45 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** FW: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call

See attached.

Also, found a series of two articles that provide context to the situation in case that's helpful:

https://www.wpr.org/voters-northern-wisconsin-town-head-polls-court-ordered-redo-election

https://www.wpr.org/presque-isle-reelects-town-board-chair-court-ordered-redo-spring-election

And then there's this one which says "One Illinois vote, one vote cast too early, three ballots with no witness signatures."
https://www.wjfw.com/news/john-a-maclean-wins-re-election-for-presque-isle-town-chair/article_fe51b518-83d2-11ee-bd42-b3cff29956fa.html

I was unsure how much detail to get into. You may want to edit this.

John

---

**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Monday, December 18, 2023 9:14 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>

AMERICAN OVERSIGHT

**Subject:** Fw: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call

Tuesday...Can we put together a letter to Rep Bodden's office in response to their request for a hearing on their bill to have WI leave the ERIC system.

I would reference the fact that the election in Presque Isle that was overturned hinged on using ERIC data to determine that an elector voted in IL and then tried to vote again in WI. That was a KEY piece of evidence used by the judge to overturn the election and hold a new election that determine a LEGAL winner.

Without our membership using ERIC data an election TRULY would have been stolen...

I am not interested in risking lawful elections by removing the ONLY functional tool that states have to determine unlawful double votes across state lines.

Scott

---

**From:** Krug, Scott
**Sent:** Monday, December 4, 2023 12:31 PM
**To:** Oliinyk, Maryna
**Subject:** Fwd: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call

Please put on the schedule (call in number and other info below.

Scott

Sent from my iPhone

Begin forwarded message:

> **From:** "Wolf, Jake" <Jake.Wolf@legis.wisconsin.gov>
> **Date:** December 4, 2023 at 9:29:55 AM CST
> **To:** "Krug, Scott" <Scott.Krug@legis.wisconsin.gov>, "Witecha, James - ELECTIONS" <james.witecha@wisconsin.gov>
> **Subject: FW: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call**
>
> Passing this along as well.
>
> -Jake

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**From:** Emma <emma_china0626@yahoo.com>
**Sent:** Friday, December 1, 2023 12:30 PM
**To:** Wolf, Jake <Jake.Wolf@legis.wisconsin.gov>; David Prott <daveprott@gmail.com>
**Subject:** Re: Elections Questions Conference Call- 1pm on 12/5-some info from John MacLean for the Call

Please also find the Editorial of today's Lakeland Times, our main local newspaper for your reference too.
Thank you
John

> On Nov 30, 2023, at 13:53, Emma MacLean <emma_china0626@yahoo.com> wrote:
>
> Hi David, Jake
> Attached pls find some materials for 12/5 call:
> - 8/31/23 Court ruling for Presque Isle re-election
> - two IL residents, the Hansons, were being solicited for votes by Lorine Wolters in Oct 23 for Nov 14 re-election. Attached is their affidavits.
>
> Thank you.
> Emma for John MacLean
>
> > On Tuesday, November 28, 2023 at 09:26:27 PM EST, David Prott <daveprott@gmail.com> wrote:
> >
> > ---------- Forwarded message ---------
> > From: **Wolf, Jake** <Jake.Wolf@legis.wisconsin.gov>
> > Date: Mon, Nov 27, 2023, 9:46 AM
> > Subject: Elections Questions Conference Call
> > To: daveprott@gmail.com <daveprott@gmail.com>, Witecha, James - ELECTIONS <james.witecha@wisconsin.gov>, Krug, Scott <Scott.Krug@legis.wisconsin.gov>
> >
> > Dave, Jim, and Scott,
> >
> > It sounds like 1:00pm on Tuesday, December 5th works for everyone. Please let me know if anyone's schedule has changed. I've included conference call information below. As a reminder, the plan will be to discuss the topics included in the email below as well as any follow up questions from Dave.
> >
> > **Call in lines:**

AMERICAN OVERSIGHT

608-237-9600|
888-732-6049 (toll-free)
**ID**
5099133#

Have a great week,

-Jake

---

**From:** Wolf, Jake
**Sent:** Friday, November 17, 2023 11:47 AM
**To:** 'daveprott@gmail.com' <daveprott@gmail.com>
**Cc:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>; 'Witecha, James - ELECTIONS' <james.witecha@wisconsin.gov>
**Subject:** Follow-up and next steps

Hi Dave,

If you could please pass this information along to John as I do not have his contact information.

I would like to follow up from our phone call on Monday with some high level responses to the questions you asked. Additionally, I'm hoping we could set up a phone call on Wednesday with the Chairman of the Elections Committee, an elections expert at WEC, and myself. I think this will be the best way to address any follow-up questions you may have.Would you be available next Wednesday, November 22 in the late morning?

1. You expressed a concern that there is no requirement for an audited financial statement for BCPL loans:
    a. While statutes do not require an audited financial statement, there is certain financial information that is required for a local government to receive these funds. For general obligation loans, the loan amount cannot exceed 5% of the value of taxable property in the municipality. Further, an application for a general obligation loan must include proof of equalized value of all taxable property and existing debt held by the municipality. These loans are also limited only for purposes for which the municipality may already issue bonds. For revenue obligation loans, all funds must be secured by a pledge and first assignment of revenue the municipality receives from funds generated by the project. Revenue obligation loans are provided only for projects that generate revenues. It is my understanding that BCPL loans are not an outlier when it comes to a requirement for an audited financial statement.
2. You asked about letters that were returned "vacant" from addresses where a ballot was cast:
    a. Currently, WEC mails postcards to voters who are believed to have moved. This data is pulled from the Electronic Registration Information Center (ERIC). If the voter does not respond to the mailing, the clerk may deactivate their registration. In some cases, additional fact finding may be required by the clerk. The municipal clerk may also use other means to review voter rolls for accuracy. A letter returned to sender for a vacant address

AMERICAN OVERSIGHT

doesn't necessarily meet the standard for a voter registration to be disqualified. The post office may tag an address as vacant for a variety of reasons including a failure to pick up mail for an extended period of time. The legislature has attempted to address this by allowing WEC to remove voters if they fail to respond to a change of address mailing. Further, implementing a more comprehensive 50-state change of address database would help address movers. Currently, less than half the states are ERIC members.

3. What options are available if a clerk is failing to keep voter rolls current?

   a. Wisconsin statute 5.06 outlines a process for a complaint to be filed with WEC if a clerk is not properly administering their duties.

4. You asked generally about the 28 day residency requirement and what can be done to address violations of this requirement:

   a. Wisconsin statutes 6.02 and6.10 detail the residence requirement. I believe 6.10(1) and 6.10(5) are most applicable to the issue at hand. The key here is "intent to return." If you can prove that an individual voted at an address other than the one to which they intend to return, you could file a complaint with the commission or directly with District Attorney. Further, a complaint could be filed against individuals who actively provide inaccurate information to encourage a voter to register a temporary address. The Wisconsin Elections Commission can be helpful with this process.

Sincerely,

Jake Wolf
Office of Assembly Speaker Robin Vos
608-266-9171

<3ZJ2460-Dkt. 181 Transcript of Oral Ruling (2).PDF.pdf>
<affidavit-Hansons- votes being solicited in Oct 2023.zip>

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 3:54 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 83
Attachments: 23-2292_P1.pdf

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**From:** Reinemann, John
**Sent:** Thursday, October 26, 2023 3:29 PM
**To:** Emerson, James <James.Emerson@legis.wisconsin.gov>
**Subject:** FW: School District clerk training

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**From:** Reinemann, John
**Sent:** Tuesday, October 24, 2023 2:20 PM
**To:** Rep.Maxey <Rep.Maxey@legis.wisconsin.gov>
**Cc:** Murray, Tyler <Tyler.Murray@legis.wisconsin.gov>; Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: School District clerk training

Rep. Maxey: Thank you for calling just now.

Re LRB 2292, school district board clerk training:

**I will ask Rep. Krug the detail on the story of the school board election in Adams Co as soon as I get a chance.**

Link to existing WEC training for school board clerks:
https://elections.wi.gov/clerks/school-district-clerks

Link to existing WASB training page for all their training:
https://wasb.org/meeting-and-events/online-learning-platform-home/
They have an advanced module "The Roles and Duties of School Board Officers", which is behind a paywall but I am sure a call to WASB would get us a password so we could see it.

The point, really, is that the material already exists; the goal is simply to make sure it's actually viewed.

Thank you again!

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

**From:** Reinemann, John
**Sent:** Monday, October 23, 2023 4:31 PM
**To:** Rep.Maxey <Rep.Maxey@legis.wisconsin.gov>
**Subject:** FW: School District clerk training

---

**From:** Reinemann, John
**Sent:** Monday, October 23, 2023 4:24 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** School District clerk training

We drafted this as "WEC must offer"

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 4:01 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 85

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**From:** Reinemann, John
**Sent:** Tuesday, November 7, 2023 10:31 AM
**To:** LTSB - Technical Support <Technical.Support@legis.wisconsin.gov>
**Subject:** RE: Phone Number Lookup: Follow-Up

That has GOT to be it and the area code and exchange are reasonably consistent with the location. (If it isn't a landline it's probably a former landline number turned into a cel.) THANK YOU!

As it happens AD 72 contains the spot where 608, 920 and 715 all meet. Knowing where the caller lived at one time (Green Lake, 920) and where she lives now (Adams, 608) it all adds up.

So thank you again! Appreciate the help Lane. Have a great day.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

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**From:** LTSB - Technical Support <Technical.Support@legis.wisconsin.gov>
**Sent:** Tuesday, November 7, 2023 10:24 AM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Phone Number Lookup: Follow-Up

Good morning John,

I'm reaching out regarding the conversation that we had on Friday about finding a specific phone number from a call log on October 30th. We appreciate your patience—this one took a little additional investigating.

While our team wasn't able to find an exact match for the description that you had provided us, we were able to find the following number: **608-339-1028**

The call from this number came in at around 2:20pm to the office mainline and lasted over 20 minutes; which, based on our conversation, seems relatively close to what you had described to me. The only

AMERICAN OVERSIGHT

criteria that could not be matched is the 920 area code. From the sound of it, however, there was no record of a 920 number calling the office on 11/30.

I hope that this helps! Please feel free to give us a call if you have any questions or if there's anything else that we can do to assist.

Take care,

**Lane Trezise**
*She/her/hers or They/them/theirs*
Technical Services Analyst
Legislative Technology Services Bureau
608-267-9528 | tech.support@legis.wisconsin.gov

AMERICAN OVERSIGHT

From: "Reinemann, John" <John.Reinemann@legis.wisconsin.gov>
Sent: Thursday, July 11, 2024, 4:04 PM
To: "Trenta, Andrew" <Andrew.Trenta@legis.wisconsin.gov>
Subject: For ORR by American Oversight, JR message 86

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**From:** Reinemann, John
**Sent:** Monday, June 3, 2024 4:17 PM
**To:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Subject:** RE: Question from Rep. Krug re filing

Just talked to Peggy. She's been looking at it and will have something shortly.

She cautions us that while there are a couple of ways to interpret the memo that conclude with "they must share it," she also cautions us that there isn't actually any way in the statute to compel WEC to do any particular specific thing with it. But one step at a time.

Memo when I have it.

John

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**From:** Krug, Scott <Scott.Krug@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 3:40 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** Re: Question from Rep. Krug re filing

Can we bother Peggy again on the question/memo on DOT's ability to share data regarding the permanent resident non citizen ID/DL List

Scott
Sent from my iPhone

> On Jun 3, 2024, at 2:30 PM, Krug, Scott <Scott.Krug@legis.wisconsin.gov> wrote:
>
> Thanks it does help…I disagree but it helps have her get me closer to agreement lol…
>
> Scott
> Sent from my iPhone
>
> > On Jun 3, 2024, at 2:26 PM, Reinemann, John <John.Reinemann@legis.wisconsin.gov> wrote:
> >
> > This from Peggy Hurley at WLCS.

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John

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**From:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 12:58 PM
**To:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Subject:** RE: Question from Rep. Krug re filing

Hi John,

Thank you for your question. In my opinion, s. 990.001 (4) (c), Stats., applies to this deadline and moves the deadline from June 1 to June 3, 2024. I note that the introduction to s. 990.001 states: "In construing Wisconsin laws the following rules shall be observed unless construction in accordance with a rule would produce a result inconsistent with the manifest intent of the legislature:"

Under s. 990.001 (4) (c), Stats.:

> When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, village, town, school district or other subdivision of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, said proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

Filing nomination papers falls into the conditions described in that statute: the last day within an act is to be done, which consists of the filing with any agency of the state, falls on a Saturday and the duly established official office hours of the agency do not include any office hours on Saturday. Then, pursuant to the statute, the act may be done on the next succeeding day that is not a Sunday or a legal holiday. The Wisconsin Elections Commission does not hold regular office hours on Saturday; therefore the exception in s. 990.001 (4) (c), Stats. applies.

You note that s. 8.15 (1) states that exceptions to the deadline may be only "as authorized in this subsection." I believe that the exception authorized in that subsection is the extension granted by that statute when an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on June 1. I reach this conclusion because the rule of statutory construction

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established by s. 990.001 (4) applies broadly unless it is specifically excepted (see s. 801.15 (1) (b), Stats., for an example) or it is inconsistent with the manifest intent of the legislature.

I hope this is helpful; please let me know if you have additional questions.

Peggy

<image001.jpg>
**Peggy J. Hurley**
Senior Staff Attorney, Wisconsin Legislative Council
608.504.5724 | peggy.hurley@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

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**From:** Reinemann, John <John.Reinemann@legis.wisconsin.gov>
**Sent:** Monday, June 3, 2024 11:47 AM
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
**Subject:** Question from Rep. Krug re filing
**Importance:** High

Hi Peggy.

Peggy, Rep. Krug asks me:

> *I've gotten a lot of questions from folks at caucus and via text about the filing deadline. Is it statutory that nomination signatures must be collected by 6/1? I think it is in Ch 8 of statute. 8.15(1) seems pretty clear to me.*
>
> *There is other state law allowing the "filing" extension to be moved because of the weekend 990.001 (4) but 8.15(1) says the act of filing nomination papers isn't one that falls into 990.001(4) saying no later than June 1 at 5pm except as authorized in THIS subsection.*
>
> *Is there anything in play here? I think we need Peggy to help here as others have issues with this date as well..*

Can you shed any light here? Thank you.

JOHN REINEMANN
AIDE TO REP. SCOTT KRUG

ROOM 223 NORTH, STATE CAPITOL
608-266-0215
JOHN.REINEMANN@LEGIS.WISCONSIN.GOV

<image001.jpg>

AMERICAN OVERSIGHT

# Tony Evers

Office of the Governor | State of Wisconsin

December 6, 2023

To the Honorable Members of the Senate:

I am vetoing Senate Bill 98 in its entirety.

This bill would require the Department of Transportation to mark identification cards of individuals who are not U.S. citizens with the phrase "not valid for voting purposes" or another recognizable identification and transmit certain personally identifiable information to the Elections Commission in order to verify the citizenship status of individuals on the official voter registration list.

I am vetoing this bill in its entirety because I object to this bill requiring state-issued identification cards to have a 'recognizable indication' that could result in certain individuals being treated differently or unfairly in every day, non-electoral situations this legislation fails to consider or contemplate. An individual must already attest that they are a U.S. citizen in order to register to vote, and any individual who attempts to fraudulently or improperly vote is already subject to punishment under current law. This bill does not alter or affect these facts in any way; vetoing this bill does not alter or affect those facts in any way, either.

This bill does, however, fail to acknowledge and meaningfully consider the many different ways in which state-issued identifications are used in everyday settings wholly unrelated to voting. Despite few, if any, verified cases of voter registration by a noncitizen, this bill would effectively mark all of the identification documents of an entire group of Wisconsin residents as noncitizens. While I do not object to the data-sharing of citizenship information between the Department of Transportation and the Elections Commission, this cooperation could be accomplished without potentially causing certain individuals to be treated unfairly or perpetuating false narratives about our elections.

Respectfully submitted,

Tony Evers
Governor

Office of the Governor ♦ PO Box 7863, Madison, WI 53707
(608) 266-1212 ♦ www.evers.wi.gov

AMERICAN OVERSIGHT

# Tony Evers

Office of the Governor | State of Wisconsin

December 6, 2023

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This bill does, however, fail to acknowledge and meaningfully consider the many different ways in which state-issued identifications are used in everyday settings wholly unrelated to voting. Despite few, if any, verified cases of voter registration by a noncitizen, this bill would effectively mark all of the identification documents of an entire group of Wisconsin residents as noncitizens. While I do not object to the data-sharing of citizenship information between the Department of Transportation and the Elections Commission, this cooperation could be accomplished without potentially causing certain individuals to be treated unfairly or perpetuating false narratives about our elections.

Respectfully submitted,

Tony Evers
Governor

Office of the Governor ♦ PO Box 7863, Madison, WI 53707
(608) 266-1212 ♦ www.evers.wi.gov

AMERICAN OVERSIGHT

# HELP AMERICA VOTE ACT OF 2002

AMERICAN OVERSIGHT

# Public Law 107–252
# 107th Congress

## An Act

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

Oct. 29, 2002
[H.R. 3295]

Help America Vote Act of 2002.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

42 USC 15301 note.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.
Sec. 102. Replacement of punch card or lever voting machines.
Sec. 103. Guaranteed minimum payment amount.
Sec. 104. Authorization of appropriations.
Sec. 105. Administration of programs.
Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Dissemination of information.
Sec. 207. Annual report.
Sec. 208. Requiring majority approval for actions.
Sec. 209. Limitation on rulemaking authority.
Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of Boards; no compensation for service.
Sec. 216. Status of Boards and members for purposes of claims against Board.

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PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee.
Sec. 222. Process for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues.
Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
Sec. 243. Report on human factor research.
Sec. 244. Study and report on voters who register by mail and use of social security information.
Sec. 245. Study and report on electronic voting and the electoral process.
Sec. 246. Study and report on free absentee ballot postage.
Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments.
Sec. 252. Allocation of funds.
Sec. 253. Condition for receipt of funds.
Sec. 254. State plan.
Sec. 255. Process for development and filing of plan; publication by Commission.
Sec. 256. Requirement for public notice and comment.
Sec. 257. Authorization of appropriations.
Sec. 258. Reports.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
Sec. 262. Amount of payment.
Sec. 263. Requirements for eligibility.
Sec. 264. Authorization of appropriations.
Sec. 265. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements.
Sec. 272. Report.
Sec. 273. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program.
Sec. 282. Report.
Sec. 283. Authorization of appropriations.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems.
Sec. 292. Authorization of appropriations.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election.
Sec. 296. Authorization of appropriations.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards.
Sec. 302. Provisional voting and voting information requirements.
Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
Sec. 304. Minimum requirements.

AMERICAN OVERSIGHT

Sec. 305. Methods of implementation left to discretion of State.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission.
Sec. 312. Process for adoption.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.
Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program.
Sec. 502. Activities under program.
Sec. 503. Authorization of appropriations.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.
Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 703. Report on absentee ballots transmitted and received after general elections.
Sec. 704. Extension of period covered by single absentee ballot application.
Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Audits and repayment of funds.
Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.
Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.
Sec. 905. Other criminal penalties.
Sec. 906. No effect on other laws.

# TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

42 USC 15301.

**SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.**

Deadlines. Notification.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services

AMERICAN OVERSIGHT

(in this title referred to as the "Administrator") shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) USE OF PAYMENT.—

(1) IN GENERAL.—A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

(A) Complying with the requirements under title III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) LIMITATION.—A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) USE OF FUNDS TO BE CONSISTENT WITH OTHER LAWS AND REQUIREMENTS.—In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

(2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus

AMERICAN OVERSIGHT

the voting age population proportion amount described in paragraph (3).

(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term "voting age population proportion" means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

42 USC 15302.

**SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.**

(a) ESTABLISHMENT OF PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a "qualifying precinct").

(2) USE OF FUNDS.—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) DEADLINE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts

AMERICAN OVERSIGHT

within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) WAIVER.—If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) $4,000.

(2) REDUCTION.—If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) REPAYMENT OF FUNDS FOR FAILURE TO MEET DEADLINES.—

(1) IN GENERAL.—If a State receiving funds under the program under this section fails to meet the deadline applicable

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to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) NONCOMPLIANT PRECINCT PERCENTAGE DEFINED.—In this subsection, the term "noncompliant precinct percentage" means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) PUNCH CARD VOTING SYSTEM DEFINED.—For purposes of this section, a "punch card voting system" includes any of the following voting systems:

(1) C.E.S.
(2) Datavote.
(3) PBC Counter.
(4) Pollstar.
(5) Punch Card.
(6) Vote Recorder.
(7) Votomatic.

42 USC 15303.

**SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.**

(a) IN GENERAL.—In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than $5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and $5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to "$5,000,000" were a reference to "$1,000,000".

(b) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

42 USC 15304.

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $650,000,000, of which—

(1) 50 percent shall be for payments under section 101; and

(2) 50 percent shall be for payments under section 102.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—Any payment made to a State under this title shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR REQUIREMENTS PAYMENTS.—

(1) IN GENERAL.—The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

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(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) DEPOSIT OF AMOUNTS IN STATE ELECTION FUND.—When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATOR.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

**SEC. 105. ADMINISTRATION OF PROGRAMS.** 42 USC 15305.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

**SEC. 106. EFFECTIVE DATE.** Deadline. 42 USC 15306.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

# TITLE II—COMMISSION

## Subtitle A—Establishment and General Organization

### PART 1—ELECTION ASSISTANCE COMMISSION

**SEC. 201. ESTABLISHMENT.** 42 USC 15321.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the "Commission"), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the "Standards Board" and the "Board of Advisors", respectively) and the Technical Guidelines Development Committee under part 3.

**SEC. 202. DUTIES.** 42 USC 15322.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

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(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

42 USC 15323.

**SEC. 203. MEMBERSHIP AND APPOINTMENT.**

(a) MEMBERSHIP.—

President.

(1) IN GENERAL.—The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

Deadline.

(4) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of nomination, of the members first appointed—

(A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

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(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

**SEC. 204. STAFF.** 42 USC 15324.

(a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) INTERIM SERVICE OF GENERAL COUNSEL.—If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) SPECIAL RULES FOR INTERIM EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance

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with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) GENERAL COUNSEL.—The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

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**SEC. 205. POWERS.** 42 USC 15325.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

**SEC. 206. DISSEMINATION OF INFORMATION.** 42 USC 15326.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

**SEC. 207. ANNUAL REPORT.** 42 USC 15327.

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information: Deadline.

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

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(5) Such other information and recommendations as the Commission considers appropriate.

42 USC 15328. **SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.**

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least three of its members.

42 USC 15329. **SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.**

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).

42 USC 15330. **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out this title.

## PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

42 USC 15341. **SEC. 211. ESTABLISHMENT.**

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the "Standards Board") and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the "Board of Advisors").

42 USC 15342. **SEC. 212. DUTIES.**

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

42 USC 15343. **SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph,

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except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The two members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing— Deadline.

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title. Publication.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom— Deadline.

(A) not more than five may be State election officials;

(B) not more than five may be local election officials; and

(C) not more than five may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) three shall serve for 1 term;

(B) three shall serve for 2 consecutive terms; and

(C) three shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

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(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

42 USC 15344.

**SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

(a) IN GENERAL.—The Board of Advisors shall be composed of 37 members appointed as follows:

(1) Two members appointed by the National Governors Association.

(2) Two members appointed by the National Conference of State Legislatures.

(3) Two members appointed by the National Association of Secretaries of State.

(4) Two members appointed by the National Association of State Election Directors.

(5) Two members appointed by the National Association of Counties.

(6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) Two members appointed by the United States Conference of Mayors.

(8) Two members appointed by the Election Center.

(9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom—

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom—

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed.

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Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

**SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.** 42 USC 15345.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

**SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.** 42 USC 15346.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability Applicability.

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of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

## PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

42 USC 15361.

**SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.**

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the "Development Committee").

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies

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under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

**SEC. 222. PROCESS FOR ADOPTION.**

42 USC 15362.

(a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

Federal Register, publication.

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

(b) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED GUIDELINES TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing the voluntary voting system guidelines and modifications of such guidelines under this section,

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the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) REVIEW.—Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) SPECIAL RULE FOR INITIAL SET OF GUIDELINES.—Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

## Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

42 USC 15371.

### SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

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(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section. Deadline. Records.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1). Publication.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

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# Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

42 USC 15381.

**SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.**

Public information.

(a) IN GENERAL.—On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and

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during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

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42 USC 15382.

**SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.**

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

Deadline.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

42 USC 15383.

**SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.**

Deadline.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the

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National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

**SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.** 42 USC 15384.

(a) REGISTRATION BY MAIL.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of the impact of section 303(b) on voters who register by mail.

(B) SPECIFIC ISSUES STUDIED.—The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) REPORT.—Not later than 18 months after the date on which section 303(b)(2) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate. Deadline.

(b) USE OF SOCIAL SECURITY INFORMATION.—Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter. Deadline.

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42 USC 15385.

**SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

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(1) SUBMISSION.—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission. Deadline.

(2) INTERNET POSTING.—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

**SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.** 42 USC 15386.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate. Deadline.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

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42 USC 15387.

**SEC. 247. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.**

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

# Subtitle D—Election Assistance

## PART 1—REQUIREMENTS PAYMENTS

42 USC 15401.

**SEC. 251. REQUIREMENTS PAYMENTS.**

(a) IN GENERAL.—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) OTHER ACTIVITIES.—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(c) RETROACTIVE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) SCHEDULE OF PAYMENTS.—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

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(f) LIMITATION.—A State may not use any portion of a requirements payment—

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or

(2) for the payment of any judgment.

**SEC. 252. ALLOCATION OF FUNDS.** 42 USC 15402.

(a) IN GENERAL.—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The "State allocation percentage" for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

**SEC. 253. CONDITION FOR RECEIPT OF FUNDS.** 42 USC 15403.

(a) IN GENERAL.—A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: "_____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002." (with the blank to be filled in with the name of the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

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(A) contains each of the elements described in section 254 with respect to the fiscal year;

(B) is developed in accordance with section 255; and

(C) meets the public notice and comment requirements of section 256.

(2) The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

Applicability.

Applicability.

(3) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of title III—

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of title III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 251(b).

(5) The State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 251(c)(2), an additional amount equal to the amount of such reimbursement.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this subtitle, the 30-day period) which begins on the date the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the "chief State election official" of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

42 USC 15404.

**SEC. 254. STATE PLAN.**

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

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(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

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(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

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**SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.** 42 USC 15405.

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan published in the Federal Register. Federal Register, publication.

**SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.** 42 USC 15406.

For purposes of section 251(a)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

**SEC. 257. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15407.

(a) IN GENERAL.—In addition to amounts transferred under section 104(c), there are authorized to be appropriated for requirements payments under this part the following amounts:

(1) For fiscal year 2003, $1,400,000,000.

(2) For fiscal year 2004, $1,000,000,000.

(3) For fiscal year 2005, $600,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

**SEC. 258. REPORTS.** 42 USC 15408.

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report— Deadline.

(1) a list of expenditures made with respect to each category of activities described in section 251(b);

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this part to meet the requirements of this Act and an analysis and description of how such activities conform to the State plan under section 254.

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## PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

42 USC 15421.

**SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

42 USC 15422.

**SEC. 262. AMOUNT OF PAYMENT.**

(a) IN GENERAL.—The amount of a payment made to an eligible State or an eligible unit of local government for a year under this part shall be determined by the Secretary.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

42 USC 15423.

**SEC. 263. REQUIREMENTS FOR ELIGIBILITY.**

(a) APPLICATION.—Each State or unit of local government that desires to receive a payment under this part for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this part.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN APPLICATION.—

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(1) IN GENERAL.—No action may be brought under this Act against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

**SEC. 264. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15424.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) For fiscal year 2003, $50,000,000.

(2) For fiscal year 2004, $25,000,000.

(3) For fiscal year 2005, $25,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

**SEC. 265. REPORTS.** 42 USC 15425.

(a) REPORTS BY RECIPIENTS.—Not later than the 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this part, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 261(b). Deadline.

(b) REPORT BY SECRETARY TO COMMITTEES.—With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

## PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

**SEC. 271. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.** 42 USC 15441.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

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(2) such other information and certifications as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

(d) RECOMMENDATION OF TOPICS FOR RESEARCH.—

Records.

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(e) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

42 USC 15442.

**SEC. 272. REPORT.**

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

42 USC 15443.

**SEC. 273. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2003.

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(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

## PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Grants.

**SEC. 281. PILOT PROGRAM.**

42 USC 15451.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this Act); and

(2) such other information and certifications as the Commission may require.

(c) RECOMMENDATION OF TOPICS FOR PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

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(d) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

42 USC 15452.

**SEC. 282. REPORT.**

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

42 USC 15453.

**SEC. 283. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

## PART 5—PROTECTION AND ADVOCACY SYSTEMS

42 USC 15461.

**SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.**

(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

(c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 292, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) USE OF FUNDS.—A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to

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assess the availability and use of such systems and technologies for such individuals. At least one of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) ELIGIBILITY.—An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**SEC. 292. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15462.

(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

## PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

**SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELECTION.** 42 USC 15471.

(a) IN GENERAL.—The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may— Grants.

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

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(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

Awards.

(b) REQUIREMENT.—The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

42 USC 15472.

**SEC. 296. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the provisions of this subtitle $200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

# TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

## Subtitle A—Requirements

42 USC 15481.

**SEC. 301. VOTING SYSTEMS STANDARDS.**

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office—

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

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(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be

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counted as a vote for each category of voting system used in the State.

(b) VOTING SYSTEM DEFINED.—In this section, the term "voting system" means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For purposes of subsection (a)(1)(A)(i), the term "verify" may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

42 USC 15482.

**SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.**

(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

Notification.

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

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(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term "voting information" means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

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(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

42 USC 15483.

**SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.**

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election

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officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

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(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

Contracts.

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with

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the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

"(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

"(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and Contracts.

"(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records. Confidentiality.

"(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

"(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number. Procedures.

"(D) For purposes of this paragraph—

"(i) the term 'applicable information' means information regarding whether—

"(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

"(II) such individual is shown on the records of the Commissioner as being deceased; and

"(ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

"(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

"(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction Penalties.

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thereof shall be fined or imprisoned, or both, as described in section 208.".

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

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(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include the following:

(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form.".

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

Notification.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of

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the registration form prior to the next election for Federal office (subject to State law).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

Applicability.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to "January 1, 2004" were a reference to "January 1, 2006".

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

42 USC 15484.

**SEC. 304. MINIMUM REQUIREMENTS.**

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

42 USC 15485.

**SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.**

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

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## Subtitle B—Voluntary Guidance

**SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.** 42 USC 15501.

(a) IN GENERAL.—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) DEADLINES.—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; and

(3) in the case of the recommendations with respect to section 303, October 1, 2003.

(c) QUADRENNIAL UPDATE.—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

**SEC. 312. PROCESS FOR ADOPTION.**

Federal Register, publication. Public information. 42 USC 15502.

The adoption of the voluntary guidance under this subtitle shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed recommendations in the Federal Register.

(2) An opportunity for public comment on the proposed recommendations.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final recommendations in the Federal Register.

# TITLE IV—ENFORCEMENT

**SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.** 42 USC 15511.

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

**SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.** 42 USC 15512.

(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.—

(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS.—If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) REQUIREMENTS FOR PROCEDURES.—The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

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(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

Deadline. (H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

Deadline. (I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

Records.

(b) REQUIRING ATTORNEY GENERAL APPROVAL OF COMPLIANCE PLAN FOR STATES NOT RECEIVING FUNDS.—

Deadline. (1) IN GENERAL.—Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this Act; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of title III.

(2) STATES WITHOUT APPROVED PLAN DEEMED OUT OF COMPLIANCE.—A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of title III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) NONPARTICIPATING STATE DEFINED.—In this section, a "nonparticipating State" is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this Act of its intent to participate in, and receive funds under, the program.

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# TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

**SEC. 501. ESTABLISHMENT OF PROGRAM.** 42 USC 15521.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the "Help America Vote College Program" (hereafter in this title referred to as the "Program"). Deadline.

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

**SEC. 502. ACTIVITIES UNDER PROGRAM.** 42 USC 15522.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 501(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

**SEC. 503. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15523.

In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

# TITLE VI—HELP AMERICA VOTE FOUNDATION

**SEC. 601. HELP AMERICA VOTE FOUNDATION.**

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

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## "CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

"Sec.
"152601. Organization.
"152602. Purposes.
"152603. Board of directors.
"152604. Officers and employees.
"152605. Powers.
"152606. Principal office.
"152607. Service of process.
"152608. Annual audit.
"152609. Civil action by Attorney General for equitable relief.
"152610. Immunity of United States Government.
"152611. Authorization of appropriations.
"152612. Annual report.

### "§ 152601. Organization

"(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

"(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

"(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

### "§ 152602. Purposes

"(a) IN GENERAL.—The purposes of the foundation are to—

"(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

"(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

"(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

"(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

"(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

### "§ 152603. Board of directors

"(a) GENERAL.—The board of directors is the governing body of the foundation.

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"(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows: Deadline.

"(A) Four directors (of whom not more than two may be members of the same political party) shall be appointed by the President.

"(B) Two directors shall be appointed by the Speaker of the House of Representatives.

"(C) Two directors shall be appointed by the Minority Leader of the House of Representatives.

"(D) Two directors shall be appointed by the Majority Leader of the Senate.

"(E) Two directors shall be appointed by the Minority Leader of the Senate.

"(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

"(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

"(4) The terms of office of the directors are 4 years.

"(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

"(c) CHAIR.—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

"(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

"(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

"(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

"(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

**"§ 152604. Officers and employees**

"(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

"(b) STATUS AND COMPENSATION OF EMPLOYEES.—

"(1) IN GENERAL.—Officers and employees of the foundation—

"(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

"(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

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"(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

"(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

**"§ 152605. Powers**

"(a) IN GENERAL.—The foundation may—

"(1) adopt a constitution and bylaws;

"(2) adopt a seal which shall be judicially noticed; and

"(3) do any other act necessary to carry out this chapter.

"(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

"(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

"(2) to acquire property or an interest in property by purchase or exchange;

"(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

"(4) to borrow money and issue instruments of indebtedness;

"(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

"(6) to sue and be sued; and

"(7) to do any other act necessary and proper to carry out the purposes of the foundation.

"(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

"(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

"(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

**"§ 152606. Principal office**

"The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

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**"§ 152607. Service of process**

"The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

**"§ 152608. Annual audit**

Contracts.

"The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

**"§ 152609. Civil action by Attorney General for equitable relief**

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

**"§ 152610. Immunity of United States Government**

"The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

**"§ 152611. Authorization of appropriations**

"There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

"(1) $5,000,000 for fiscal year 2003; and

"(2) such sums as may be necessary for each succeeding fiscal year.

**"§ 152612. Annual report**

"As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.".

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

**"1526. Help America Vote Foundation ..... 152601".**

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# TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

**SEC. 701. VOTING ASSISTANCE PROGRAMS.**

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking "Voting assistance" in the first sentence and inserting "(1) Voting assistance"; and

(2) by adding at the end the following new paragraph:

Regulations. Procedures.

"(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.".

Procedures.

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: "The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.".

Deadline. Reports.

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.—Such section is amended by adding at the end the following new subsection:

"(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.".

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

"(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall,

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to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

"(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

"(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.".

**SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

"(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

"(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

**SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

"(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall

Deadline. Public information.

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(through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.".

42 USC 1973ff–1 note.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

**SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.**

42 USC 1973ff–3.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by striking "during that year," and all that follows and inserting the following: "through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election.".

**SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and ensure that such officials are aware of the requirements of this Act;".

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.".

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by section 702, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

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(C) by adding at the end the following new paragraph:

"(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).".

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "a general assessment" and inserting "a separate statistical analysis".

**SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

"(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004. Applicability. 42 USC 1973ff–3 note.

**SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.".

# TITLE VIII—TRANSITION PROVISIONS

## Subtitle A—Transfer to Commission of Functions Under Certain Laws

**SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of Election Administration, 42 USC 15531.

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established within the Federal Election Commission, exercised before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting "and" at the end;

(2) in paragraph (9), by striking "; and" and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

42 USC 15532.

**SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.**

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking "Federal Election Commission" and inserting "Election Assistance Commission".

42 USC 15533.

**SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.**

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

42 USC 15534.

**SEC. 804. EFFECTIVE DATE; TRANSITION.**

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) NO EFFECT ON AUTHORITIES OF OFFICE OF ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF MEMBERS OF COMMISSION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting

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systems) which it has the authority to carry out as of the date of the enactment of this Act.

## Subtitle B—Coverage of Commission Under Certain Laws and Programs

**SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.**

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

**SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.**

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the Election Assistance Commission," after "Federal Election Commission,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203. 5 USC app. 8G note.

# TITLE IX—MISCELLANEOUS PROVISIONS

**SEC. 901. STATE DEFINED.** 42 USC 15541.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

**SEC. 902. AUDITS AND REPAYMENT OF FUNDS.** 42 USC 15542.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDITS AND EXAMINATIONS.—

(1) AUDITS AND EXAMINATIONS.—Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) RECIPIENTS OF ASSISTANCE SUBJECT TO PROVISIONS OF SECTION.—The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Applicability.

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Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) MANDATORY AUDIT.—In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) SPECIAL RULE FOR PAYMENTS BY GENERAL SERVICES ADMINISTRATION.—With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) SPECIAL RULE.—In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) SPECIAL RULES FOR AUDITS BY THE COMMISSION.—In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) RECOUPMENT OF FUNDS.—If the Comptroller General determines as a result of an audit conducted under subsection (b) that—

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

**SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.**

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

"(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

"(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.".

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**SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.** 42 USC 15543.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

**SEC. 905. OTHER CRIMINAL PENALTIES.** 42 USC 15544.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

**SEC. 906. NO EFFECT ON OTHER LAWS.** 42 USC 15545.

(a) IN GENERAL.—Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

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(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

Approved October 29, 2002.

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LEGISLATIVE HISTORY—H.R. 3295 (S. 565):

HOUSE REPORTS: Nos. 107–329, Pt. 1 (Comm. on House Administration) and 107–730 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 147 (2001): Dec. 12, considered and passed House.

Vol. 148 (2002): Apr. 11, considered and passed Senate, amended, in lieu of S. 565.

Oct. 10, House agreed to conference report.

Oct. 15, 16, Senate considered, receded from its amendment, and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Oct. 29, Presidential remarks and statement.

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# HELP AMERICA VOTE ACT OF 2002

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# Public Law 107–252
# 107th Congress

## An Act

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

Oct. 29, 2002
[H.R. 3295]

Help America Vote Act of 2002.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

42 USC 15301 note.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.
Sec. 102. Replacement of punch card or lever voting machines.
Sec. 103. Guaranteed minimum payment amount.
Sec. 104. Authorization of appropriations.
Sec. 105. Administration of programs.
Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Dissemination of information.
Sec. 207. Annual report.
Sec. 208. Requiring majority approval for actions.
Sec. 209. Limitation on rulemaking authority.
Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of Boards; no compensation for service.
Sec. 216. Status of Boards and members for purposes of claims against Board.

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PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee.
Sec. 222. Process for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues.
Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
Sec. 243. Report on human factor research.
Sec. 244. Study and report on voters who register by mail and use of social security information.
Sec. 245. Study and report on electronic voting and the electoral process.
Sec. 246. Study and report on free absentee ballot postage.
Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments.
Sec. 252. Allocation of funds.
Sec. 253. Condition for receipt of funds.
Sec. 254. State plan.
Sec. 255. Process for development and filing of plan; publication by Commission.
Sec. 256. Requirement for public notice and comment.
Sec. 257. Authorization of appropriations.
Sec. 258. Reports.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
Sec. 262. Amount of payment.
Sec. 263. Requirements for eligibility.
Sec. 264. Authorization of appropriations.
Sec. 265. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements.
Sec. 272. Report.
Sec. 273. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program.
Sec. 282. Report.
Sec. 283. Authorization of appropriations.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems.
Sec. 292. Authorization of appropriations.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election.
Sec. 296. Authorization of appropriations.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards.
Sec. 302. Provisional voting and voting information requirements.
Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
Sec. 304. Minimum requirements.

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Sec. 305. Methods of implementation left to discretion of State.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission.
Sec. 312. Process for adoption.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.
Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program.
Sec. 502. Activities under program.
Sec. 503. Authorization of appropriations.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.
Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 703. Report on absentee ballots transmitted and received after general elections.
Sec. 704. Extension of period covered by single absentee ballot application.
Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Audits and repayment of funds.
Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.
Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.
Sec. 905. Other criminal penalties.
Sec. 906. No effect on other laws.

# TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

42 USC 15301.

**SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.**

Deadlines. Notification.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services

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(in this title referred to as the "Administrator") shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) USE OF PAYMENT.—

(1) IN GENERAL.—A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

(A) Complying with the requirements under title III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) LIMITATION.—A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) USE OF FUNDS TO BE CONSISTENT WITH OTHER LAWS AND REQUIREMENTS.—In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

(2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus

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the voting age population proportion amount described in paragraph (3).

(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term "voting age population proportion" means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

42 USC 15302.

**SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.**

(a) ESTABLISHMENT OF PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a "qualifying precinct").

(2) USE OF FUNDS.—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) DEADLINE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts

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within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) WAIVER.—If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) $4,000.

(2) REDUCTION.—If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) REPAYMENT OF FUNDS FOR FAILURE TO MEET DEADLINES.—

(1) IN GENERAL.—If a State receiving funds under the program under this section fails to meet the deadline applicable

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to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) NONCOMPLIANT PRECINCT PERCENTAGE DEFINED.—In this subsection, the term "noncompliant precinct percentage" means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) PUNCH CARD VOTING SYSTEM DEFINED.—For purposes of this section, a "punch card voting system" includes any of the following voting systems:

(1) C.E.S.
(2) Datavote.
(3) PBC Counter.
(4) Pollstar.
(5) Punch Card.
(6) Vote Recorder.
(7) Votomatic.

42 USC 15303.

**SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.**

(a) IN GENERAL.—In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than $5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and $5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to "$5,000,000" were a reference to "$1,000,000".

(b) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

42 USC 15304.

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $650,000,000, of which—

(1) 50 percent shall be for payments under section 101; and

(2) 50 percent shall be for payments under section 102.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—Any payment made to a State under this title shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR REQUIREMENTS PAYMENTS.—

(1) IN GENERAL.—The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

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(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) DEPOSIT OF AMOUNTS IN STATE ELECTION FUND.—When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATOR.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

**SEC. 105. ADMINISTRATION OF PROGRAMS.** 42 USC 15305.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

**SEC. 106. EFFECTIVE DATE.** Deadline. 42 USC 15306.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

# TITLE II—COMMISSION

## Subtitle A—Establishment and General Organization

### PART 1—ELECTION ASSISTANCE COMMISSION

**SEC. 201. ESTABLISHMENT.** 42 USC 15321.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the "Commission"), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the "Standards Board" and the "Board of Advisors", respectively) and the Technical Guidelines Development Committee under part 3.

**SEC. 202. DUTIES.** 42 USC 15322.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

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(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

42 USC 15323.

**SEC. 203. MEMBERSHIP AND APPOINTMENT.**

(a) MEMBERSHIP.—

President.

(1) IN GENERAL.—The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

Deadline.

(4) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of nomination, of the members first appointed—

(A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

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(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

**SEC. 204. STAFF.** 42 USC 15324.

(a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) INTERIM SERVICE OF GENERAL COUNSEL.—If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) SPECIAL RULES FOR INTERIM EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance

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with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) GENERAL COUNSEL.—The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

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**SEC. 205. POWERS.** 42 USC 15325.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

**SEC. 206. DISSEMINATION OF INFORMATION.** 42 USC 15326.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

**SEC. 207. ANNUAL REPORT.** 42 USC 15327.

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information: Deadline.

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

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(5) Such other information and recommendations as the Commission considers appropriate.

42 USC 15328. **SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.**

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least three of its members.

42 USC 15329. **SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.**

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).

42 USC 15330. **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out this title.

## PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

42 USC 15341. **SEC. 211. ESTABLISHMENT.**

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the "Standards Board") and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the "Board of Advisors").

42 USC 15342. **SEC. 212. DUTIES.**

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

42 USC 15343. **SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph,

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except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The two members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing— Deadline.

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title. Publication.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom— Deadline.

(A) not more than five may be State election officials;

(B) not more than five may be local election officials; and

(C) not more than five may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) three shall serve for 1 term;

(B) three shall serve for 2 consecutive terms; and

(C) three shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

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(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

42 USC 15344.

**SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

(a) IN GENERAL.—The Board of Advisors shall be composed of 37 members appointed as follows:

(1) Two members appointed by the National Governors Association.

(2) Two members appointed by the National Conference of State Legislatures.

(3) Two members appointed by the National Association of Secretaries of State.

(4) Two members appointed by the National Association of State Election Directors.

(5) Two members appointed by the National Association of Counties.

(6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) Two members appointed by the United States Conference of Mayors.

(8) Two members appointed by the Election Center.

(9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom—

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom—

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed.

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Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

**SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.** 42 USC 15345.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

**SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.** 42 USC 15346.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability Applicability.

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of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

## PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

42 USC 15361.

**SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.**

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the "Development Committee").

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies

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under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

**SEC. 222. PROCESS FOR ADOPTION.**

42 USC 15362.

(a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

Federal Register, publication.

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

(b) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED GUIDELINES TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing the voluntary voting system guidelines and modifications of such guidelines under this section,

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the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) REVIEW.—Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) SPECIAL RULE FOR INITIAL SET OF GUIDELINES.—Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

## Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

42 USC 15371.

### SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

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(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section. Deadline. Records.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1). Publication.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

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# Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

42 USC 15381.

**SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.**

Public information.

(a) IN GENERAL.—On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and

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during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

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42 USC 15382.

**SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.**

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

Deadline.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

42 USC 15383.

**SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.**

Deadline.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the

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National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

**SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.** 42 USC 15384.

(a) REGISTRATION BY MAIL.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of the impact of section 303(b) on voters who register by mail.

(B) SPECIFIC ISSUES STUDIED.—The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) REPORT.—Not later than 18 months after the date on which section 303(b)(2) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate. Deadline.

(b) USE OF SOCIAL SECURITY INFORMATION.—Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter. Deadline.

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42 USC 15385.

**SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

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(1) SUBMISSION.—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission. Deadline.

(2) INTERNET POSTING.—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

**SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.** 42 USC 15386.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate. Deadline.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

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42 USC 15387.

**SEC. 247. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.**

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

# Subtitle D—Election Assistance

## PART 1—REQUIREMENTS PAYMENTS

42 USC 15401.

**SEC. 251. REQUIREMENTS PAYMENTS.**

(a) IN GENERAL.—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) OTHER ACTIVITIES.—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(c) RETROACTIVE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) SCHEDULE OF PAYMENTS.—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

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(f) LIMITATION.—A State may not use any portion of a requirements payment—

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or

(2) for the payment of any judgment.

**SEC. 252. ALLOCATION OF FUNDS.** 42 USC 15402.

(a) IN GENERAL.—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The "State allocation percentage" for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

**SEC. 253. CONDITION FOR RECEIPT OF FUNDS.** 42 USC 15403.

(a) IN GENERAL.—A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: "_____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002." (with the blank to be filled in with the name of the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

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(A) contains each of the elements described in section 254 with respect to the fiscal year;

(B) is developed in accordance with section 255; and

(C) meets the public notice and comment requirements of section 256.

(2) The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

Applicability.

Applicability.

(3) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of title III—

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of title III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 251(b).

(5) The State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 251(c)(2), an additional amount equal to the amount of such reimbursement.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this subtitle, the 30-day period) which begins on the date the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the "chief State election official" of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

42 USC 15404.

**SEC. 254. STATE PLAN.**

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

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(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

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(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

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**SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.** 42 USC 15405.

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan published in the Federal Register. Federal Register, publication.

**SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.** 42 USC 15406.

For purposes of section 251(a)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

**SEC. 257. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15407.

(a) IN GENERAL.—In addition to amounts transferred under section 104(c), there are authorized to be appropriated for requirements payments under this part the following amounts:

(1) For fiscal year 2003, $1,400,000,000.

(2) For fiscal year 2004, $1,000,000,000.

(3) For fiscal year 2005, $600,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

**SEC. 258. REPORTS.** 42 USC 15408.

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report— Deadline.

(1) a list of expenditures made with respect to each category of activities described in section 251(b);

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this part to meet the requirements of this Act and an analysis and description of how such activities conform to the State plan under section 254.

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## PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

42 USC 15421.

**SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

42 USC 15422.

**SEC. 262. AMOUNT OF PAYMENT.**

(a) IN GENERAL.—The amount of a payment made to an eligible State or an eligible unit of local government for a year under this part shall be determined by the Secretary.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

42 USC 15423.

**SEC. 263. REQUIREMENTS FOR ELIGIBILITY.**

(a) APPLICATION.—Each State or unit of local government that desires to receive a payment under this part for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this part.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN APPLICATION.—

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(1) IN GENERAL.—No action may be brought under this Act against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

**SEC. 264. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15424.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) For fiscal year 2003, $50,000,000.

(2) For fiscal year 2004, $25,000,000.

(3) For fiscal year 2005, $25,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

**SEC. 265. REPORTS.** 42 USC 15425.

(a) REPORTS BY RECIPIENTS.—Not later than the 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this part, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 261(b). Deadline.

(b) REPORT BY SECRETARY TO COMMITTEES.—With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

## PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

**SEC. 271. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.** 42 USC 15441.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

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(2) such other information and certifications as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

(d) RECOMMENDATION OF TOPICS FOR RESEARCH.—

Records.

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(e) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

42 USC 15442.

**SEC. 272. REPORT.**

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

42 USC 15443.

**SEC. 273. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2003.

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(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

## PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Grants.

**SEC. 281. PILOT PROGRAM.**

42 USC 15451.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this Act); and

(2) such other information and certifications as the Commission may require.

(c) RECOMMENDATION OF TOPICS FOR PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

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(d) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

42 USC 15452.

**SEC. 282. REPORT.**

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

42 USC 15453.

**SEC. 283. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

## PART 5—PROTECTION AND ADVOCACY SYSTEMS

42 USC 15461.

**SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.**

(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

(c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 292, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) USE OF FUNDS.—A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to

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assess the availability and use of such systems and technologies for such individuals. At least one of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) ELIGIBILITY.—An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**SEC. 292. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15462.

(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

## PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

**SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELECTION.** 42 USC 15471.

(a) IN GENERAL.—The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may— Grants.

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

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(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

Awards.

(b) REQUIREMENT.—The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

42 USC 15472.

**SEC. 296. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the provisions of this subtitle $200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

# TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

## Subtitle A—Requirements

42 USC 15481.

**SEC. 301. VOTING SYSTEMS STANDARDS.**

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office—

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

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(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be

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counted as a vote for each category of voting system used in the State.

(b) VOTING SYSTEM DEFINED.—In this section, the term "voting system" means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For purposes of subsection (a)(1)(A)(i), the term "verify" may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

42 USC 15482.

**SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.**

(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

Notification.

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

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(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term "voting information" means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

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(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

42 USC 15483.

**SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.**

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list"), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election

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officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

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(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

Contracts.

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with

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the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

"(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

"(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and Contracts.

"(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records. Confidentiality.

"(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

"(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number. Procedures.

"(D) For purposes of this paragraph—

"(i) the term 'applicable information' means information regarding whether—

"(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

"(II) such individual is shown on the records of the Commissioner as being deceased; and

"(ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

"(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

"(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction Penalties.

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thereof shall be fined or imprisoned, or both, as described in section 208.".

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

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(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include the following:

(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form.".

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

Notification.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of

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the registration form prior to the next election for Federal office (subject to State law).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

Applicability.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to "January 1, 2004" were a reference to "January 1, 2006".

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

42 USC 15484.

**SEC. 304. MINIMUM REQUIREMENTS.**

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

42 USC 15485.

**SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.**

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

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## Subtitle B—Voluntary Guidance

**SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.** 42 USC 15501.

(a) IN GENERAL.—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) DEADLINES.—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; and

(3) in the case of the recommendations with respect to section 303, October 1, 2003.

(c) QUADRENNIAL UPDATE.—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

**SEC. 312. PROCESS FOR ADOPTION.**

Federal Register, publication. Public information. 42 USC 15502.

The adoption of the voluntary guidance under this subtitle shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed recommendations in the Federal Register.

(2) An opportunity for public comment on the proposed recommendations.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final recommendations in the Federal Register.

# TITLE IV—ENFORCEMENT

**SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.** 42 USC 15511.

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

**SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.** 42 USC 15512.

(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.—

(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS.—If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) REQUIREMENTS FOR PROCEDURES.—The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

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(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

Deadline. (H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

Deadline. (I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

Records.

(b) REQUIRING ATTORNEY GENERAL APPROVAL OF COMPLIANCE PLAN FOR STATES NOT RECEIVING FUNDS.—

Deadline. (1) IN GENERAL.—Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this Act; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of title III.

(2) STATES WITHOUT APPROVED PLAN DEEMED OUT OF COMPLIANCE.—A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of title III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) NONPARTICIPATING STATE DEFINED.—In this section, a "nonparticipating State" is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this Act of its intent to participate in, and receive funds under, the program.

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# TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

**SEC. 501. ESTABLISHMENT OF PROGRAM.** 42 USC 15521.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the "Help America Vote College Program" (hereafter in this title referred to as the "Program"). Deadline.

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

**SEC. 502. ACTIVITIES UNDER PROGRAM.** 42 USC 15522.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 501(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

**SEC. 503. AUTHORIZATION OF APPROPRIATIONS.** 42 USC 15523.

In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

# TITLE VI—HELP AMERICA VOTE FOUNDATION

**SEC. 601. HELP AMERICA VOTE FOUNDATION.**

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

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## "CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

"Sec.
"152601. Organization.
"152602. Purposes.
"152603. Board of directors.
"152604. Officers and employees.
"152605. Powers.
"152606. Principal office.
"152607. Service of process.
"152608. Annual audit.
"152609. Civil action by Attorney General for equitable relief.
"152610. Immunity of United States Government.
"152611. Authorization of appropriations.
"152612. Annual report.

### "§ 152601. Organization

"(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

"(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

"(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

### "§ 152602. Purposes

"(a) IN GENERAL.—The purposes of the foundation are to—

"(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

"(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

"(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

"(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

"(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

### "§ 152603. Board of directors

"(a) GENERAL.—The board of directors is the governing body of the foundation.

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"(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows: Deadline.

"(A) Four directors (of whom not more than two may be members of the same political party) shall be appointed by the President.

"(B) Two directors shall be appointed by the Speaker of the House of Representatives.

"(C) Two directors shall be appointed by the Minority Leader of the House of Representatives.

"(D) Two directors shall be appointed by the Majority Leader of the Senate.

"(E) Two directors shall be appointed by the Minority Leader of the Senate.

"(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

"(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

"(4) The terms of office of the directors are 4 years.

"(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

"(c) CHAIR.—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

"(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

"(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

"(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

"(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

**"§ 152604. Officers and employees**

"(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

"(b) STATUS AND COMPENSATION OF EMPLOYEES.—

"(1) IN GENERAL.—Officers and employees of the foundation—

"(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

"(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

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"(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

"(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

**"§ 152605. Powers**

"(a) IN GENERAL.—The foundation may—

"(1) adopt a constitution and bylaws;

"(2) adopt a seal which shall be judicially noticed; and

"(3) do any other act necessary to carry out this chapter.

"(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

"(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

"(2) to acquire property or an interest in property by purchase or exchange;

"(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

"(4) to borrow money and issue instruments of indebtedness;

"(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

"(6) to sue and be sued; and

"(7) to do any other act necessary and proper to carry out the purposes of the foundation.

"(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

"(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

"(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

**"§ 152606. Principal office**

"The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

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**"§ 152607. Service of process**

"The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

**"§ 152608. Annual audit**

Contracts.

"The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

**"§ 152609. Civil action by Attorney General for equitable relief**

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

**"§ 152610. Immunity of United States Government**

"The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

**"§ 152611. Authorization of appropriations**

"There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

"(1) $5,000,000 for fiscal year 2003; and

"(2) such sums as may be necessary for each succeeding fiscal year.

**"§ 152612. Annual report**

"As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.".

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

**"1526. Help America Vote Foundation ..... 152601".**

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# TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

**SEC. 701. VOTING ASSISTANCE PROGRAMS.**

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking "Voting assistance" in the first sentence and inserting "(1) Voting assistance"; and

(2) by adding at the end the following new paragraph:

Regulations. Procedures.

"(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.".

Procedures.

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: "The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.".

Deadline. Reports.

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.—Such section is amended by adding at the end the following new subsection:

"(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.".

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

"(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall,

AMERICAN OVERSIGHT

to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

"(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

"(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.".

**SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

"(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

"(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

**SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

"(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall

Deadline. Public information.

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(through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.".

42 USC 1973ff–1 note.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

**SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.**

42 USC 1973ff–3.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by striking "during that year," and all that follows and inserting the following: "through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election.".

**SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and ensure that such officials are aware of the requirements of this Act;".

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.".

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by section 702, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

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(C) by adding at the end the following new paragraph:

"(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).".

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "a general assessment" and inserting "a separate statistical analysis".

**SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

"(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004. Applicability. 42 USC 1973ff–3 note.

**SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.".

# TITLE VIII—TRANSITION PROVISIONS

## Subtitle A—Transfer to Commission of Functions Under Certain Laws

**SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of Election Administration, 42 USC 15531.

AMERICAN OVERSIGHT

established within the Federal Election Commission, exercised before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting "and" at the end;

(2) in paragraph (9), by striking "; and" and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

42 USC 15532.

**SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.**

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking "Federal Election Commission" and inserting "Election Assistance Commission".

42 USC 15533.

**SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.**

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

42 USC 15534.

**SEC. 804. EFFECTIVE DATE; TRANSITION.**

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) NO EFFECT ON AUTHORITIES OF OFFICE OF ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF MEMBERS OF COMMISSION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting

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systems) which it has the authority to carry out as of the date of the enactment of this Act.

## Subtitle B—Coverage of Commission Under Certain Laws and Programs

**SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.**

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

**SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.**

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the Election Assistance Commission," after "Federal Election Commission,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203. 5 USC app. 8G note.

# TITLE IX—MISCELLANEOUS PROVISIONS

**SEC. 901. STATE DEFINED.** 42 USC 15541.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

**SEC. 902. AUDITS AND REPAYMENT OF FUNDS.** 42 USC 15542.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDITS AND EXAMINATIONS.—

(1) AUDITS AND EXAMINATIONS.—Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) RECIPIENTS OF ASSISTANCE SUBJECT TO PROVISIONS OF SECTION.—The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Applicability.

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Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) MANDATORY AUDIT.—In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) SPECIAL RULE FOR PAYMENTS BY GENERAL SERVICES ADMINISTRATION.—With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) SPECIAL RULE.—In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) SPECIAL RULES FOR AUDITS BY THE COMMISSION.—In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) RECOUPMENT OF FUNDS.—If the Comptroller General determines as a result of an audit conducted under subsection (b) that—

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

**SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.**

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

"(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

"(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.".

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**SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.** 42 USC 15543.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

**SEC. 905. OTHER CRIMINAL PENALTIES.** 42 USC 15544.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

**SEC. 906. NO EFFECT ON OTHER LAWS.** 42 USC 15545.

(a) IN GENERAL.—Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

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(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

Approved October 29, 2002.

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LEGISLATIVE HISTORY—H.R. 3295 (S. 565):

HOUSE REPORTS: Nos. 107–329, Pt. 1 (Comm. on House Administration) and 107–730 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 147 (2001): Dec. 12, considered and passed House.

Vol. 148 (2002): Apr. 11, considered and passed Senate, amended, in lieu of S. 565.

Oct. 10, House agreed to conference report.

Oct. 15, 16, Senate considered, receded from its amendment, and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Oct. 29, Presidential remarks and statement.

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# ELECTION TRANSPARENCY INITIATIVE

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# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

May 31, 2024

Craig Thompson
Secretary, Department of Transportation
Hill Farms State Office Building
4822 Madison Yards Way
Madison, WI 53705

Meagan Wolfe
Curial Administrator, Wisconsin Elections Commission
201 W Washington Avenue
Madison, WI 53703

Dear Mr. Thompson and Ms. Wolfe,

Our respective committees held a joint hearing on May 16, 2024 in the Capitol to discuss voter identification. We applaud Secretary Thompson for sending Deputy Secretary Kristina Boardman to testify on his behalf. Her testimony revealed two percent (72,315) of state driver's licenses are permanent residents/non-citizens and four percent (17,178) of ID cards are permanent residents/non-citizens. Further, testimony revealed WISDOT does not share this information about non-citizens with driver's licenses or ID cards with WEC to ensure none of these non-citizens are voting.

**This letter humbly requests WISDOT and WEC to cooperatively share non-citizen information with each other to provide another layer of election integrity to our system.**

We are not acting alone in this request. Per Governor Evers' veto message of Senate Bill 98, he stated, "I do not object to the data-sharing of citizenship information between the Department of Transportation and the Elections Commission…"

In addition, committee members are still waiting for IDPP and extraordinary proof data from 2020 to the current date to evaluate trend lines in the data per Rep. Krug's request in the hearing.

Sincerely,

Dan Knodl
Chairman, Senate Committee on Shared Revenue, Elections and Consumer Protection

Scott Krug
Chairman, Assembly Committee on Campaigns and Elections

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WISCONSIN LEGISLATURE
P.O. Box 7882 • Madison, WI 53707-7882

June 21, 2024

Craig Thompson
Secretary, Wisconsin Department of Transportation
Hill Farm State Office Building
4822 Madison Yards Way
Madison WI 53705

Dear Mr. Thompson:

We write today to follow up on our letter of May 31, in which we asked that WISDOT and WEC cooperatively share non-citizen information with each other to provide another layer of election integrity to our system.

As you know, Wisconsin law precludes persons who are not US citizens from voting. Article III of the Wisconsin Constitution creates a right for residents to vote provided that the person: (a) is a U.S. citizen; (b) is age 18 or older; (c) is a resident of a Wisconsin election district; and (d) is not denied the right to vote due to past offenses or a finding of incompetency.

Since individuals must affirm that they are US citizens when they register to vote, one could conclude that all voters listed in the statewide voter registration list are presumably US citizens.

However, there have been documented instances of non-citizen voting (or attempted voting) in Wisconsin. We want to determine the extent of this activity to the closest degree we can. We feel strongly that to do so, is in the public interest of the State of Wisconsin.

It has been established that WISDOT maintains records on noncitizens who receive state drivers' licenses and who receive state ID cards. (The DOT's Division of Motor Vehicles or DMV administers these programs.) As we noted in our May letter, DOT testimony at a joint hearing of our committees in May revealed that two percent (72,315) of state drivers licenses and four percent (17,178) of state ID cards are held by persons who were not US citizens when these credentials were issued by DOT.

I know your agency has a list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

I write today to ask you to share this list with the Assembly Committee on Campaigns and Elections as well with the Senate Committee on Shared Revenue, Elections and Consumer Protection so that our two committees may properly and fully conduct the oversight duties we are tasked with.

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Allow us to share with you the wording of Wis Stats 13.45 (7), which contains a requirement that state agencies cooperate with the Legislature in the execution of legislative duties.

> *Wis Stats 13.45 (7), "Cooperation of state agencies," states: "The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require"*

If needed, we are prepared to convene a meeting of our respective committees, in order to formally request (and vote as a committee upon) from your agency, the list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

Again, we are prepared to convene our committees under Wis Stats 13.45 (7) in order to formalize these requests.

Please respond to this request at your earliest convenience. Thank you.

Sen. Dan Knodl

Rep. Scott Krug

AMERICAN OVERSIGHT

# WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882


June 27, 2024

Craig Thompson
Secretary, Wisconsin Department of Transportation
Hill Farm State Office Building
4822 Madison Yards Way
Madison WI 53705

Dear Mr. Thompson:

We write today to follow up on our letter of May 31, in which we asked that WISDOT and WEC cooperatively share non-citizen information with each other to provide another layer of election integrity to our system.

As you know, Wisconsin law precludes persons who are not US citizens from voting. Article III of the Wisconsin Constitution creates a right for residents to vote provided that the person: (a) is a U.S. citizen; (b) is age 18 or older; (c) is a resident of a Wisconsin election district; and (d) is not denied the right to vote due to past offenses or a finding of incompetency.

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***MORE***

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Protection so that our tow committees may properly and fully conduct the oversight duties we are tasked with

Allow us to share with you the wording of Wis Stats 143.45 (7), which contains a requirement that state agencies cooperate with the Legislature in the execution of legislative duties.

> *Wis Stats 13.45 (7), "Cooperation of state agencies," states: "The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require"*

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Sen. Dan Knodl

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We write today to follow up on our letter of May 31, in which we asked that WISDOT and WEC cooperatively share non-citizen information with each other to provide another layer of election integrity to our system.

As you know, Wisconsin law precludes persons who are not US citizens from voting. Article III of the Wisconsin Constitution creates a right for residents to vote provided that the person: (a) is a U.S. citizen; (b) is age 18 or older; (c) is a resident of a Wisconsin election district; and (d) is not denied the right to vote due to past offenses or a finding of incompetency.

Since individuals must affirm that they are US citizens when they register to vote, one could conclude that all voters listed in the statewide voter registration list are presumably US citizens.

However, there have been documented instances of non-citizen voting (or attempted voting) in Wisconsin. We want to determine the extent of this activity to the closest degree we can. We feel strongly that to do so, is in the public interest of the State of Wisconsin.

It has been established that WISDOT maintains records on noncitizens who receive state drivers' licenses and who receive state ID cards. (The DOT's Division of Motor Vehicles or DMV administers these programs.) As we noted in our May letter, DOT testimony at a joint hearing of our committees in May revealed that two percent (72,315) of state drivers licenses and four percent (17,178) of state ID cards are held by persons who were not US citizens when these credentials were issued by DOT.

I know your agency has a list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

I write today to ask you to share this list with the Assembly Committee on Campaigns and Elections as well with the Senate Committee on Shared Revenue, Elections and Consumer

***MORE***

AMERICAN OVERSIGHT

Protection so that our tow committees may properly and fully conduct the oversight duties we are tasked with

Allow us to share with you the wording of Wis Stats 143.45 (7), which contains a requirement that state agencies cooperate with the Legislature in the execution of legislative duties.

> *Wis Stats 13.45 (7), "Cooperation of state agencies," states: "The departments, officers and employees of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require"*

We are prepared to convene a meeting of our respective committees, in order to formally request (and vote as a committee upon) from your agency, the list of the permanent non-citizen residents of Wisconsin who have received ID cards or drivers' licenses from your agency.

Again, we are prepared to convene our committees under Wis Stats 13.45 (7) in order to formalize these requests.

Please respond to this request at your earliest convenience. Thank you.

Sincerely,

Sen. Dan Knodl

Rep. Scott Krug

AMERICAN OVERSIGHT

FILED
02-08-2024
CLERK OF WISCONSIN
COURT OF APPEALS

OFFICE OF THE CLERK
**WISCONSIN COURT OF APPEALS**
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

**DISTRICT I**

February 8, 2024

*To*:

Hon. Ryan D. Nilsestuen
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Thomas C. Bellavia
Electronic Notice

Christine Donahoe
Electronic Notice

Steven C. Kilpatrick
Electronic Notice

Kevin M. LeRoy
Electronic Notice

Daniel S. Lenz
Electronic Notice

Lynn Kristine Lodahl
Electronic Notice

Jeffrey A. Mandell
Electronic Notice

Emily O'Brien
Electronic Notice

Douglas M. Poland
Electronic Notice

Jon Sherman
Fair Elections Center
1825 K. St. NW, Suite 701
Washington, DC 20006

Misha Tseytlin
Electronic Notice

You are hereby notified that the Court has entered the following order:

---

2024AP166 League of Women Voters of Wisconsin v. Wisconsin Elections Commission (L.C. # 2022CV2472)

Before Donald, P.J., Geenen and Colón, JJ.

This case involves an appeal and cross-appeal from the Dane County Circuit Court's January 30, 2024 declaratory judgment and permanent injunction, which required the Wisconsin

AMERICAN OVERSIGHT

Elections Commission to issue guidance related to WIS. STAT. § 6.87(6d)(2021-22).[1] That statute provides that where a witness certificate on an absentee ballot "is missing the address of a witness, the ballot may not be counted." The circuit court, concluding federal law applied, required the Commission to issue guidance on application of that statute "such that no absentee ballot may be rejected based upon witness certification bearing witness-address information meeting any of" four specified sets of criteria. The Legislature has moved this court for a stay of that judgment and injunction pending disposition of the appeal and cross-appeal. For the reasons that follow, the request for a stay is denied.

During the pendency of an appeal, the circuit court or appellate court may stay execution or enforcement of a judgment or order; suspend, modify, restore or grant an injunction; or make any order appropriate to preserve the existing state of affairs or the effectiveness of the judgment subsequently to be entered. WIS. STAT. § 808.07(2)(a). The rules of appellate procedure require a person seeking relief under § 808.07 to first seek relief from the circuit court unless impractical. WIS. STAT. RULE 809.12. Thus, when we are presented with a motion for relief pending appeal that has first been presented to the circuit court, we review the circuit court's decision for an erroneous exercise of discretion rather than conducting a new analysis. *See* ***Doe 1 v. Madison Metro. Sch. Dist.***, 2022 WI 65, ¶31, 406 Wis. 2d 369, 976 N.W.2d 584. In this review, we look "for a reasonable basis to sustain a circuit court's discretionary decision." ***Id.***

As an initial matter, we note that the parties disagree over whether it is the state test or federal test that should be applied to the Legislature's motion for relief. Under Wisconsin's test,

[1] All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

AMERICAN OVERSIGHT

which the Legislature argues applies, we consider four factors when reviewing a request for a stay pending appeal: "Courts must consider four factors when reviewing a request to stay an order pending appeal:

> (1) whether the movant makes a strong showing that it is likely to succeed on the merits of the appeal;
>
> (2) whether the movant shows that, unless a stay is granted, it will suffer irreparable injury;
>
> (3) whether the movant shows that no substantial harm will come to other interested parties; and
>
> (4) whether the movant shows that a stay will do no harm to the public interest.

***Waity v. LeMahieu***, 2022 WI 6, ¶49, 400 Wis. 2d 356, 969 N.W.2d 263. Under the test established by the United States Supreme Court, which the League contends is applicable, the considerations are:

> (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

***Nken v. Holder***, 556 U.S. 418, 434 (2009). It is not necessary for us to resolve which is presently applicable because we conclude that neither has been satisfied by the Legislature as the movant.[2]

[2] We note that no party has provided us with a transcript. We recognize that the Legislature did make an effort to have the transcript's preparation expedited but, for whatever reason, the transcript did not materialize. We do not penalize the Legislature for the lack of a transcript, and we further note that the parties appear to agree as to the general underlying facts of what constitutes the circuit court's decision on the motion for relief.

AMERICAN OVERSIGHT

With response to the strong showing of likely success, a movant must show more than the mere possibility of success on the merits. *See* ***id.*** at 434-35; ***Waity***, 400 Wis. 2d 356, ¶54. We acknowledge that, at least under the Wisconsin standard, "a circuit court cannot simply input its own judgment on the merits of the case and conclude that a stay is not warranted," ***id.***, ¶52, and we ultimately conclude that the circuit court relied on more than its own judgment, having noted similar conclusions in other jurisdictions.

The circuit court concluded the Legislature would not suffer irreparable harm absent a stay. In its argument to us, the Legislature claims that it will necessarily "suffer a substantial and irreparable harm for the first magnitude when a statute … is declared unenforceable and enjoined before any appellate review can occur." (Alteration in original.) However, the circuit court's injunction has not declared any statute unenforceable but rather directs how the statute should be applied in four specific instances.

Conversely, the circuit court concluded that the League and its members would suffer substantial injury if their ballots were rejected contrary to federal law. Indeed, we note that the political franchise of voting is a fundamental political right, because it is preservative of all rights. *See* ***Reynolds v. Sims***, 377 U.S. 533, 561-62 (1964). **There is no government without the consent of the governed**. *See* WIS. CONST. art. I, § 1.

Finally, the circuit court explained that the public interest was more likely to be harmed by a stay than to benefit from it, noting among other things a strong public interest in preserving constitutional rights.

AMERICAN OVERSIGHT

Based on the foregoing, we are unpersuaded that the circuit court erroneously exercised its discretion in denying a stay of its judgment and injunction pending appeal. Accordingly, we deny the stay as well.

IT IS ORDERED that the motion for relief pending appeal, in the form of a stay of the circuit court's January 30, 2024 declaratory judgment and permanent injunction, is denied.

---

*Samuel A. Christensen*
*Clerk of Court of Appeals*

AMERICAN OVERSIGHT


IDENTIFICATION CARD
WISCONSIN
USA
NOT FOR FEDERAL PURPOSES
4d S123-4567-6501-00
1 SAMPLE
2 JENNIFER AMY
8 4802 SHEBOYGAN AVE
MADISON, WI 53705
NOT A DRIVER LICENSE
LIMITED TERM
15 SEX F
17 WGT 115 lb
19 HAIR BRO
3 DOB 03/14/1976
MAR 76
DRIVER LICENSE
REGULAR
WISCONSIN
USA
NOT FOR FEDERAL PURPOSES
4d S123-4567-6501-00
9 CLASS D
1 SAMPLE
2 DEREK THOMAS
8 4802 SHEBOYGAN AVE
MADISON, WI 53705
NON-DOMICILED
HGT 6' 02"
EYES BRO
4a ISS 10/31/2015
4b EXP 02/11/2023
5 DD OTNJR20151031B143618
DONOR
DRIVER LICENSE
REGULAR
WISCONSIN
USA
4d S514-6825-5411-07
9 CLASS D
1 SAMPLE
2 PAUL B
8 4802 SHEBOYGAN AVE
MADISON, WI 53705
15 SEX M
16 HGT 5'-10"
17 WGT 205 lb
18 EYES BRO
19 HAIR BLN
4a ISS 07/13/2015
3 DOB 11/11/1955
4b EXP 11/11/2018
9a END NONE
5 DD OTNJR20150723B143618
DONOR
NOV 55
HERE &NOW
PBS Wisconsin
WI-REP-24-1368-B-000526


IDENTIFICATION CARD
WISCONSIN
USA
NOT FOR FEDERAL PURPOSES
4d S123-4567-6501-00
1 SAMPLE
2 JENNIFER AMY
8 4802 SHEBOYGAN AVE
MADISON, WI 53705
NOT A DRIVER LICENSE
LIMITED TERM
17 WGT 115 lb
19 HAIR BRO
3 DOB 03/14
MAR 76
DRIVER LICENSE
REGULAR
WISCONSIN
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4b EXP 02/11/2023
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18 EYES BRO
19 HAIR BLN
4a ISS 07/13/2015
3 DOB 11/11/1955
4b EXP 11/11/2018
9a END NONE
DONOR
NOV 55
HERE &NOW
PBS Wisconsin
WI-REP-24-1368-B-000527

Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** February 9, 2024

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

**FROM:** Wisconsin Elections Commission

**SUBJECT:** Permanent Injunction on WEC concerning Absentee Voter Witness Address Information in *League of Women Voters of Wisconsin v. WEC*, *et al.* (2022-CV-002472)

On January 30, 2024, the Honorable Judge Ryan D. Nilsestuen of the Dane County Circuit Court issued a Permanent Injunction in the above-referenced case relating to what witness address information must be included on an absentee ballot certificate. The decision is attached to this memorandum. The Commission is also sending a Q&A document related to this memo.

Concerning the Permanent Injunction for *League of Women Voters of Wisconsin v. WEC*, *et al.*:

The Dane County Court declared that:

> [T]he Materiality Provision of the federal Civil Rights Act of 1964, 52 U.S.C. § 10101, applies to the requirement under Wisconsin statute that each absentee ballot contain address information for an eligible adult U.S. citizen who witnessed the voter casting the absentee ballot.

Concerning witness address information, the Court found that the materiality provision prevents absentee ballots from being rejected in four specific instances. An absentee ballot may **not** be rejected if:

a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;

b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;

c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or

d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address,"

AMERICAN OVERSIGHT

*Wisconsin Elections Commissioners*
Don M. Millis, chair | Marge Bostelmann | Ann S. Jacobs | Carrie Riepl | Robert Spindell | Mark L. Thomsen

*Administrator*
Meagan Wolfe

"same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

The Wisconsin Elections Commission is enjoined from taking any action inconsistent with the decision.

Please review this notice, the attached Permanent Injunction, and the Q&A document with your municipal attorney to determine if any changes to your procedures are required.

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. Thank you for your prompt attention to this matter. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

AMERICAN OVERSIGHT

FILED
01-30-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV002472

**BY THE COURT:**

**DATE SIGNED: January 30, 2024**

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT BRANCH 10 DANE COUNTY

LEAGUE OF WOMEN VOTERS OF WISCONSIN
Plaintiff

vs.

WISCONSIN ELECTIONS COMMISSION, et al.,
Defendants

Declaratory Judgment and Permanent Injunction

Case No. 2022CV2472

On January 2, 2024, after extensive briefing and fully apprised of the premises, the Court issued a Decision and Order on Summary Judgment (Dkt. 157) in favor of Plaintiff League of Women Voters of Wisconsin. After further consideration and a hearing involving counsel for all parties on January 30, 2024, the Court now enters the following declaratory judgment and permanent injunction.

THE COURT DECLARES that the Materiality Provision of the federal Civil Rights Act of 1964, 52 U.S.C. § 10101, applies to the requirement under Wisconsin statute that each absentee ballot contain address information for an eligible adult U.S. citizen who witnessed the voter casting the absentee ballot. *See* Wis. Stat. § 6.87. Because federal law preempts state authority that purports to establish rules determining substantive rights and obligations contrary to federal law, the Materiality Provision prohibits rejecting absentee ballots based upon one of the following

AMERICAN OVERSIGHT

errors or omissions: (1) witness certifications containing the witness's street number, street name, and municipality, but not other address information such as state name or ZIP code; (2) witness certifications by a member of the voter's household who lists a street number and street name, but omits other information, such as a municipality; (3) witness certifications using terms like "same" or "ditto" or other means to convey that their address is the same as the voter; and (4) witness certifications with a street number, street name, and ZIP code, but not the municipality or state name.

Consistent with the judgment above and the Court's prior Decision and Order on Summary Judgment (Dkt. 157), IT IS HEREBY ORDERED that:

1. By February 9, 2024, Defendants Don Millis, Robert F. Spindell, Jr., Mark L. Thomsen, Ann S. Jacobs, Marge Bostelmann, Carrie Riepl, and Meagan Wolfe, through Defendant Wisconsin Elections Commission, must disseminate to all county clerks, all municipal clerks, the Milwaukee County Election Commission, and the Milwaukee City Election Commission, a copy of this Order and guidance on its implementation such that no absentee ballot may be rejected based upon witness certifications bearing witness-address information meeting any of the following four sets of criteria:

    a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;

    b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;

    c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or

    d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

AMERICAN OVERSIGHT

2. Defendants Wisconsin Elections Commission, its Commissioners, and Administrator are hereby permanently enjoined from taking any action inconsistent with this Declaratory Judgment and Permanent Injunction.

**This order is final for purposes of appeal.**

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Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** February 9, 2024

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

**FROM:** Wisconsin Elections Commission

**SUBJECT:** Permanent Injunction on WEC concerning Absentee Voter Witness Address Information in *Rise, Inc., et al. v. WEC et al.* (2022-CV-002446)

On January 30, 2024, the Honorable Judge Ryan D. Nilsestuen of the Dane County Circuit Court issued a Permanent Injunction in the above-referenced case relating to what witness address information must be included on an absentee ballot certificate. This memo discusses the case as well as the Commission's reissued memorandum concerning the Permanent Injunction in *White et al. v. WEC* (2022-CV-001008). The decision and the reissued memorandum are attached to this memorandum. The Commission is also sending a Q&A document related to this memo.

1. Reissued Memorandum Concerning *White et al. v. WEC*

   Pursuant to the Permanent Injunction in *Rise, Inc., et al. v. WEC et al.* of January 30, 2024, this communication is hereby issued to give notice that the WEC memorandum of September 14, 2022, contained a definition of a witness address that is invalid and contrary to law. That memorandum has therefore been revised and reissued. Specifically, the Commission's prior definition of a witness address has been withdrawn and replaced with the standards explained in this memorandum and attached permanent injunction. **Please refer to the reissued memorandum, also dated February 9, 2024, concerning *White et al. v. WEC* and continue to follow the Commission's guidance contained in that document.**

2. Concerning the Permanent Injunction for *Rise, Inc., et al. v. WEC et al.*

   The Dane County Circuit Court declared that:

   > [W]ith respect to a witness's address on an absentee ballot certificate, the term 'address' in Wis. Stat. § 6.87(2) and (6d) means 'a place where the witness may be communicated with.'

   The Dane County Circuit Court further declared that:

   > Wis. Stat. § 6.87's requirement that the witness's address be included on the absentee ballot certificate does not require that any particular components or information be included, but only

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*Wisconsin Elections Commissioners*
Don M. Millis, chair | Marge Bostelmann | Ann S. Jacobs | Carrie Riepl | Robert Spindell | Mark L. Thomsen

*Administrator*
Meagan Wolfe

> that the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

The Dane County Circuit Court declared that, "an absentee ballot certificate is not 'improperly completed' under Wis. Stat. § 6.87(9), based on a witness address," and that, "Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot based on a witness's address," as long as "the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with."

The Commission is enjoined "from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with" the decision. However, the Court did not require the Commission to modify the text of any absentee ballot certificate envelope as long as it advises Wisconsin election officials of the Court's Order and advises Wisconsin election officials that they have an:

> obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

This memorandum, the attached Permanent Injunction, and related Q&A document constitute the Wisconsin Elections Commission's advisement to Wisconsin's election officials of their obligations as stated by the Court.

Please review this notice, the attached Permanent Injunction, and the Q&A document with your municipal attorney to determine if any changes to your procedures are required.

Please contact the WEC Help Desk at elections@wi.gov or at 608-261-2028 with any questions. Thank you for your prompt attention to this matter. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

AMERICAN OVERSIGHT

FILED
01-30-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV002446

**BY THE COURT:**

**DATE SIGNED: January 30, 2024**

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

BRANCH 10

RISE, INC. AND JASON RIVERA,
Plaintiffs

vs.

WISCONSIN ELECTIONS COMMISSION et al.,
Defendants

Declaratory Judgment and Permanent Injunction

Case No. 2022CV2446

For the reasons stated on the record and given in the Court's January 2, 2024, Decision and Order (Dkt. 223), the Court hereby:

1. **DECLARES** that, with respect to a witness's address on an absentee ballot certificate, the term "address" in Wis. Stat. § 6.87(2) and (6d) means "a place where the witness may be communicated with";
2. **DECLARES** that Wis. Stat. § 6.87's requirement that the witness's address be included on the absentee ballot certificate does not require that any particular components or information be included, but only that the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;

AMERICAN OVERSIGHT

3. **DECLARES** that an absentee ballot certificate is not "improperly completed" under Wis. Stat. § 6.87(9), based on a witness's address, so long as the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;
4. **DECLARES** that Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with;
5. **DECLARES** that the Wisconsin Elections Commission's September 14, 2022, Memorandum entitled "Temporary Injunction on WEC Guidance re Missing Absentee Witness Address," Dkt. 38 Ex. 8, is invalid and contrary to law to the extent that it adopts a different definition of "address" for purposes of the witness address requirement than the definition adopted in this Order;
6. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to rescind the Memorandum entitled "Temporary Injunction on WEC Guidance re Missing Absentee Witness Address," Dkt. 38 Ex. 8, or to revise and reissue the memorandum consistent with this Order;
7. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to promptly advise all municipal and county election officials of this Court's Order;
8. **ENJOINS** Defendant the Wisconsin Elections Commission from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with this Order; and

AMERICAN OVERSIGHT



WI-REP-24-1368-B-000536

9. **ENJOINS** Defendants Maribeth Witzel-Behl, Tara McMenamin, and Celestine Jeffreys from rejecting or returning for cure any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.
10. Provided, however, that nothing in this Order shall require Defendant the Wisconsin Elections Commission to modify the printed text of the absentee ballot certificate as the Wisconsin Elections Commission approved it at its December 19, 2023, meeting, so long as Defendant the Wisconsin Elections Commission advises municipal and county election officials of this Court's Order and of their obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.

**This order is final for purposes of appeal.**

AMERICAN OVERSIGHT



WI-REP-24-1368-B-000537

*Senate*

# INFORMATIONAL HEARING

## Committee on Shared Revenue, Elections and Consumer Protection

---

The committee will hold a public hearing on the following items at the time specified below:

Thursday, May 16, 2024
10:00 AM
411 South

*This will be a joint hearing with the Assembly Committee on Campaigns and Elections.*

*The Senate Committee on Shared Revenue, Elections and Consumer Protection will receive testimony from: A designee from the Department of Transportation, a designee from the Wisconsin Elections Commission, Ashley Reichert, County Clerk, Washington County, and Eric Toney, District Attorney, Fond du Lac County.*

_____
Senator Daniel Knodl
Chair

AMERICAN OVERSIGHT

May 17, 2024




**UPDATE FROM THE 72nd ASSEMBLY DISTRICT**

***Campaigns and Elections Committee Meeting***

Yesterday the committee I chair, the Assembly Committee on Campaigns and Elections, held a hearing on voter ID and citizenship. I want to share what resulted.

First, DOT some time ago released a poster/graphic that implied that IDs for voting were easy to get. When our office reached out to them about two weeks ago, they shared with us that they had already revised the poster to clarify that CITIZENS are welcome to get a free ID for voting.

The original poster is attached, as is the revised poster. Both posters acknowledged that in some circumstances DOT is able to issue IDs when an applicant lacks some of the usual documentation expected to obtain an ID.

DOT has a page on its website that explains how the process works and what its limits are. From that page, DOT offers a link to an explanation of their ID Petition Process (IDPP) that may be used to obtain a receipt valid for voting if some documents are unavailable while the remaining documents or verifications are obtained.

**We had a hearing on this issue yesterday, Thursday, May 16.** We held it in the Assembly Committee on Campaigns and Elections, in conjunction with the Senate Committee on Shared Revenue, Elections, and Consumer Protection, which is the relevant committee in the State Senate. The notice is here.

DHS was invited but did not attend; on consideration, they decided that their work on citizenship verification could be explained in a memo, which they supplied. It is here. I can

AMERICAN OVERSIGHT

share with you a page from a DHS website that explains their role in more detail. We did not disagree with their decision and we consider them to be cooperating with us on this effort.

WEC decided that it absolutely had to have a meeting of the WEC Board in regard to the special elections that Governor Evers called on Tuesday, May 14. WEC leadership decided that the WEC meeting HAD to happen at EXACTLY THE SAME DAY AND TIME as our hearing on Thursday, May 16, and that no one from WEC was available to attend the hearing. They did however provide a written statement which can be found here.

DOT attended and was ably and helpfully represented by Kristina Boardman, who ran the DMV for several years and who recently became Deputy Secretary at DOT. She brought a statement and she answered many questions from members of both committees.

The committees also heard from two county clerks and a county District Attorney.

The outcome of the hearing is that

1. DOT described the steps that are taken now to ascertain that persons seeking IDs are who they claim to be and to ascertain that IDs useful for voting are issued only to persons with the right to vote. Both legislative committees now have a much better understanding of the system and its strengths as well as its limitations.

2. Because errors do sometimes happen and systems can always be improved, we discussed with DOT the need to "trust but verify" on this issue.

   We discussed in the hearing, steps that could be explored to enhance the security of the Wisconsin ID as regards voting. These steps involve the sharing of data by DOT with WEC and greater accessibility of some information to county clerks. We will be working to make sure these things happen and helping DOT to work with WEC as we strengthen our ID verification and improve our ballot security.

AMERICAN OVERSIGHT

3. We now know more about how we need to continue investigating any potential problems that could potentially allow a non-citizen to cast a vote in WI elections. We will be working on this issue before the fall election.

You can see the entire hearing online courtesy of Wisconsin Eye.

Please be assured that I will continue to work on this issue. It's important for all of us.



A scene from our join hearing on Thursday

***Office Information:***

Feel free to contact my office at 608-266-0215 or at Rep.Krug@legis.wisconsin.gov

Scott Krug
State Representative
72nd District

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Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**DATE:** February 9, 2024

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

**FROM:** Wisconsin Elections Commission

**SUBJECT:** **AMENDED February 8, 2024:** Permanent Injunction on WEC Guidance re: Missing Absentee Witness Address in *White et al. v. Wisconsin Elections Commission* (2022-CV-001008)

On October 3, 2022, the Honorable Judge Michael J. Aprahamian of the Waukesha County Circuit Court issued a Permanent Injunction declaring two memoranda issued by the Wisconsin Elections Commission (WEC) invalid and contrary to law. The Permanent Injunction, attached to this memorandum, prohibits the WEC from disseminating or displaying the following memoranda:

1) The October 18, 2016, memorandum entitled, "AMENDED: Missing or Insufficient Witness Address on Certificate Envelopes"

2) The October 19, 2020, memorandum entitled, "Spoiling Absentee Ballot Guidance"

The Court further prohibited WEC from providing any advice or guidance that municipal clerks or other local election officials have the duty or ability to modify or add information to absentee ballot certifications. The Court additionally prohibited WEC from giving any advice or guidance contrary to the provision in Wis. Stat. § 6.87 that, if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits for the elector to correct the defect and return the ballot by the applicable deadline. *See*, Wis. Stat. § 6.87(9).

Pursuant to the Permanent Injunction of October 3, 2022, this communication is hereby issued to give notice that the WEC memoranda of October 18, 2016, and October 19, 2020, have been declared invalid and contrary to law and have been withdrawn. The Court stated that the Permanent Injunction is not "intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of 'address' as used in Wis. Stat. § 6.87." **With respect to witness address content, please refer to the Commission's memoranda concerning *League of Women Voters of Wisconsin v. WEC, et al.* and *Rise, Inc., et al. v. WEC et al.* issued on February 9, 2024.**

Please review this notice and the attached Permanent Injunction with your municipal attorney to determine if any changes to your procedures are required.

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*Wisconsin Elections Commissioners*
Don M. Millis, chair | Marge Bostelmann | Ann S. Jacobs | Carrie Riepl | Robert Spindell | Mark L. Thomsen

*Administrator*
Meagan Wolfe

Please contact the WEC Help Desk at elections@wi.gov or at 608-261-2028 with any questions. Thank you for your prompt attention to this matter. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.

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FILED
10-03-2022
Clerk of Circuit Court
Waukesha County
2022CV001008

**DATE SIGNED: October 3, 2022**

Electronically signed by Michael J. Aprahamian
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 9

MICHAEL WHITE, EVA WHITE, EDWARD WINIECKE, *and* REPUBLICAN PARTY OF WAUKESHA COUNTY,

*Plaintiffs*,

Case No. 2022CV1008

THE WISCONSIN STATE LEGISLATURE,

*Intervenor-Plaintiff*,

*v.*

WISCONSIN ELECTIONS COMMISSION,

*Defendant*,

WAUKESHA COUNTY DEMOCRATIC PARTY, *and* LEAGUE OF WOMEN VOTERS OF WISCONSIN,

*Intervenor-Defendants*.

**ORDER GRANTING FINAL JUDGMENT TO PLAINTIFFS AND INTERVENOR PLAINTIFF THE WISCONSIN STATE LEGISLATURE**

After considering the parties' briefing, arguments, and all other record evidence presented in this case, it is hereby **ORDERED** that Plaintiffs and Intervenor Plaintiff are entitled to final judgment on their claims for declaratory and permanent-injunctive relief, *see* Wis. Stat. § 806.01(1)(c);

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Defendant the Wisconsin Election Commission ("WEC") is **PERMANENTLY PROHIBITED** and **ENJOINED** from publicly displaying or disseminating any document, communication, guidance, or memoranda that municipal clerks or election officials can add information to absentee ballot witness certifications in any form including, but not limited to, the October 18, 2016, memorandum entitled "AMENDED: Missing or Insufficient Witness Address on Absentee Certificate Envelopes," and the memorandum dated October 19, 2020, entitled "Spoiling Absentee Ballot Guidance";

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that is contrary to Wis. Stat. § 6.87(9), which provides that if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot by the applicable deadline;

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that clerks or local election officials have the duty or ability to modify or add information to incomplete absentee ballot certifications;

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The Court's final judgment applies to portions of the WEC memoranda of October 18, 2016 and October 19, 2020, now withdrawn, and any other memoranda, communication, guidance, or publication of WEC that contains or indicates that municipal clerks or local election officials can modify or add information to absentee ballot certifications;

Nothing herein is intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of "address" as used in Wis. Stat. § 6.87;

Thus, the Court now enters final judgment in favor of Plaintiffs and Intervenor-Plaintiff, consistent with the above. This final judgment resolves all claims pending in this case, and is final for purposes of appeal.

**SO ORDERED.**

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**Written Testimony of Jason Snead**
**Executive Director, Honest Elections Project**
**Assembly Joint Resolution 101**
**Wisconsin Assembly Committee on Campaigns and Elections**
**January 30, 2024**

Thank you for the opportunity to testify today on Assembly Joint Resolution 101, a measure to ban the use of ranked-choice voting in Wisconsin. My name is Jason Snead, executive director of the Honest Elections Project, a nonprofit group founded on the principle that every American has the right to vote in free, fair, and secure elections. I also serve as the co-chair of the Stop RCV coalition, a nationwide network working to halt the spread of RCV. While I cannot endorse particular legislation, I can warn you of the dangers posed by ranked-choice voting.

To be blunt, RCV makes voting harder and puts public confidence in elections in jeopardy.

To understand why RCV is so corrosive to public trust in elections, consider how a ranked-choice election works. Though RCV has many names—"Final Five," "Instant-runoff," and more—it is a scheme with a common goal: to do away with the American tradition of "one person, one vote," and instead to ask voters to rank numerous candidates for each office by order of preference. RCV computes winners through a series of elimination rounds. If no candidate wins a majority of the first-place vote, the candidate with the least first-place votes is eliminated and ballots cast for them are redistributed to each voter's next highest pick. This process repeats until a single candidate claims a majority of the remaining votes.

RCV makes every stage of the voting process more complicated, so much so that enormous effort must be put into reeducating the public. New York City spent $15 million to teach people how to vote in an RCV election, while Maine was forced to produce a 19-page guide for voters.

All of this takes more time than voters are accustomed to. First, voters must study the platforms of numerous candidates for each office, including many who are fringe or otherwise unelectable. Then they must decide which candidates to rank, and the order in which to rank them, for every RCV race on a ballot. One MIT study found that filling out a ballot takes 12 seconds longer per candidate compared to typical plurality elections. In a "Final Five"-style system, RCV adds a full minute per race. In other words, if RCV advocates succeed in replacing federal, state, and local elections with ranked-choice voting, the time it takes to vote could easily double, risking long lines, voter fatigue in down-ballot races, and potentially deterring people from voting altogether.

Tabulating votes is also a challenge. With RCV, tabulation cannot begin until every ballot is received, meaning delayed results. Recounts only compound the issue. Candidates looking for any edge may demand recounts of close elimination rounds knowing that changing the order in which candidates are eliminated can upend the final results of the election. In other words, RCV increases the likelihood of post-election challenges, recounts, and litigation.

Because of the complexity of RCV, it is possible that tabulation mistakes can go undetected. In fact, Oakland, California experienced this firsthand in 2022. Tabulators mistakenly eliminated

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hundreds of votes and certified the wrong winner in a school board contest. Were it not for an outside audit by RCV experts, that error would likely have gone undetected.

Another significant issue is the problem of so-called "exhausted" ballots, that is, if voters do not rank every available candidate, and if their choices are eliminated before a final winner is computed, their ballots are eliminated as well. With each round of elimination, it appears as though fewer people voted. For example, roughly 140,000 ballots were exhausted in New York City's mayoral race in 2021, while roughly 11,000 ballots were exhausted in Alaska's 2022 special congressional election.

Eliminating exhausted ballots is the only way RCV can deliver on its signature promise to ensure that candidates win with majority support. But with RCV, this "majority" is merely manufactured by eliminating ballots and redistributing votes. Again, consider the Alaska special election: If the roughly 11,000 exhausted ballots are added back to the vote totals, Congresswoman Mary Peltola's margin shrinks from a 51.5% majority to a 48.4% plurality.

The problems with RCV's majoritarian mirage run even deeper. A first-place vote clearly does not signal the same level of support for a candidate as a third-place vote. The latter may signify indifference, opposition—or perhaps nothing at all, if the mark was made randomly by an exhausted voter ranking his 50th candidate of the day. Yet RCV treats every ranking as a vote for a candidate, and manufacturers majorities based on second- and third-place votes.

This is hardly the only area where RCV has fallen short of its promise. A 2023 study by the Hubert Humphrey School of Public Affairs at the University of Minnesota concluded that ranked-choice voting failed to reduce political polarization, increase diversity among election officials, increase voter turnout, or decrease negative campaigning. In fact, one study of RCV in Maine found that "negative spending increased significantly…casting doubt on the claim that RCV makes campaigns more civil."

With these deficiencies in mind, it is hardly surprising that so many jurisdictions have tried ranked-choice voting only to repeal it shortly thereafter. Proponents tout a Utah RCV pilot program that recruited two-dozen participants, yet over half of the original participants have withdrawn citing public confusion and RCV's failure to deliver on its promises. Polling suggests a clear majority of Alaskans wish to repeal RCV, and such an effort is presently underway.

The push for ranked-choice voting is not an organic, bottom-up movement led by local activists. It is a concerted national campaign by a small group of elite liberal megadonors to remake elections across the nation. They are funding local advocacy groups, hiring lobbyists, facilitating media coverage, and spending tens of millions on ballot measure campaigns.

Americans want elections with clear rules that deliver clear winners. RCV offers neither. Ranked-choice voting makes voting harder and turns elections into a complicated black box.

RCV simply puts public confidence in elections at risk, which is why five states have banned it and many more are advancing legislation to stop its spread. Thank you for the opportunity to testify.

**WISCONSIN LEGISLATURE**

P.O. Box 7882 • Madison, WI 53707-7882

October 23rd, 2023

Mr. Travis Houle
TAP Program Director
4822 Madison Yards Way – 6th Floor South
Madison, WI 53705

Dear Mr. Houle:

We wish to express our support for the Town of Rome's (Adams County) application for the Transportation Alternative Program (TAP) grant. Rome is seeking these funds for use on the Link the Lakes Project, an off-road trail that will connect the East and West portions of Rome through an underground tunnel across STH 13.We are pleased to see this important project being planned and we fully support the Town of Rome's application.

Trails are an important recreational asset to our state. They serve to enhance our community and present a wonderful opportunity to show off what is beautiful and unique about Wisconsin. Additionally, they provide excellent opportunities for recreation and can positively impact local economies.

The Link the Lakes project will provide safe pedestrian access between the East and West parts of Rome. As Rome grows and continues to rise in prominence as a community center and recreational area, this project will fill a specific and important need that the leaders of the Town of Rome are now prepared to make reality. Representative Krug has lived in Rome for years and has long thought that a project such as this would be desirable and important.

We therefore urge the Transportation Alternative Program (TAP) to approve the Town of Rome's grant application so this trail project can become a reality.

Sincerely,

Scott Krug
State Representative, 72nd District

Patrick Testin
State Senator, 24th District

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State of Wisconsin
Department of Health Services
Tony Evers, Governor
Kirsten L. Johnson, Secretary

**TO:** Members of the Joint Senate Shared Revenue, Elections and Consumer Protection & Assembly Campaigns and Elections

**FROM:** Sarah Valencia; Assistant Deputy Secretary
Syed Abbas; Deputy Legislative Director

**DATE:** May 16, 2024

**RE:** DHS Testimony on data sharing with DOT and WEC

Chairman Krug, Chairman Knodl and members of the committee, thank you for the opportunity to provide written testimony for information only regarding Department of Health Services data sharing with Department of Transportation (DOT) and Wisconsin Election Commission (WEC).

The DHS Vital Records Office shares data containing death records with DOT. The Vital Records Office shares two different files containing data from death records with DOT each month. One file contains all deaths from the previous month and contains basic identifiers needed for matching purposes along with the pronounced date of death. The second file is also sent monthly and is a cumulative file for the entire year – this file has more demographic data, cause and manner of death information, and injury information and is restricted to unnatural deaths. That file is used by DOT to report motor vehicle traffic crash information to FARS (Fatality Analysis Reporting System).

DHS also shares files containing data from death records with WEC. The vital records office shares, on a monthly basis, a cumulative death records file for the current year and for the previous year.

Additionally, upon the request of DOT, DHS verifies if a matching birth record exists for an individual. If the individual was born in Wisconsin, records are searched internally. If born in another state or US territory, DHS reaches out to the relevant state for verification. Once DHS receives documentation, information regarding whether the records was verified or unverified is returned to DOT. DHS does not play a role in determining under what criteria an application is or is not accepted by DOT.

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**Wisconsin Department of Transportation**
Office of the Secretary
4822 Madison Yards Way, S903
Madison, WI 53705

**Governor Tony Evers**
**Secretary Craig Thompson**
wisconsindot.gov
Telephone: (608) 266-1114
FAX: (608) 266-9912
Email: sec.exec@dot.wi.gov

**Testimony of Wisconsin Department of Transportation**
**Deputy Secretary Kristina Boardman**
**Before the Assembly Committee on Campaigns and Elections, and the Senate Committee on Shared Revenue, Elections, and Consumer Protection.**
*May 16, 2024*

**Re: Informational Hearing, Voter ID**

Good Morning, and thank you to members of the Assembly Committee on Campaigns and Elections and the Senate Committee on Shared Revenue, Elections and Consumer Protection.

My name is Kristina Boardman, and my current role is the Deputy Secretary of the Department of Transportation. Prior to this position, I served as the Administrator of the Division of Motor Vehicles.

WisDOT's role is to implement the law as passed by the Legislature, signed by the Governor, and adjudicated by the courts. WisDOT fully complies with the provisions of federal law, state law, and orders of the courts. In combination, these provisions require WisDOT to follow procedures and checks so that individuals are issued the appropriate credentials and that citizens' Constitutionally enshrined rights are preserved. I want to make very clear that WisDOT is required to provide free identification cards for US Citizens that request them for the purpose of voting and that to be eligible for a free identification card, one must be a US Citizen and at least 17 years of age.

WisDOT staff do not determine voter eligibility or register anyone to vote. Someone who has a Wisconsin ID or DL is eligible to register to vote online, and the information is confirmed with WisDMV systems to ensure the information entered for voter registration is consistent with WisDMV records.

For the purposes of this hearing, I can speak to the process to obtain an identification card free for the purposes of voting.

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WI-REP-24-1368-B-000552

To best understand Wisconsin's law on this topic, it is helpful to understand both the statutory history and what has transpired in the many court cases filed against the state.

Prior to July 1, 2011, persons worked with DMV to make application for an identification card. They brought in their documents, information was verified, and a card was printed.

Effective July 1, 2011 (2011 Act 23), the only change to the identification card issuance process was that DMV could not charge a fee if the credential was requested for the purposes of voting and the customer was a US citizen and at least 17 years of age.

- The first lawsuit (*Frank v Walker*) was filed on December 13, 2011 (less than 6 months from the effective date), and was assigned to Judge Adelman in the Eastern District of US Federal Court.
- Federal Court Cases:
    - *Frank v Walker*
    - *One Wisconsin Institute v Thomson*
    - *Frank* and *One Wisconsin Institute* cases were consolidated to *Luft v Evers*
- State Cases:
    - *League of Women Voters v Walker*
    - *Milwaukee Branch of the NAACP et al v Scott Walker*
- Rulings in the Eastern District, the Seventh Circuit Court, the US Supreme Court, the Western District, and the Wisconsin Supreme Court have informed what is currently in effect today.
- The last remaining case, the combined *Luft v Evers* case was dismissed without prejudice on January 12, 2023, after 11 years of litigation.

For 95.25% of Wisconsin ID card applicants, the process is similar to what many of you may remember when applying for your own ID or driver license.

1. You visit a DMV service center. Note: as of July 1, 2011 when this law took effect, Wisconsin is required to maintain at least 20 hours of DL/ID card service in every Wisconsin county. There are about 30 5 to 6 day/week offices and 50 part time offices.
2. Complete an ID card application (MV3004) – a copy has been provided
3. Have a photo taken (unless there is a religious exemption).
4. Provide proof of name and date of birth (this is usually a birth certificate)

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5. Proof of identity (something with one's photo or signature). Many persons use their social security card to satisfy this requirement.
6. Proof of residency (for example, a utility bill). This information is confirmed via the return service request mailing.
7. Required to provide SSN (many provide the card for identity, so that is known). The SSN is confirmed with SSA through the Social Security Online Verification system.
8. Required to provide proof of legal presence. In showing a birth certificate from the United States, this is proof of legal presence, so nothing additional is needed. Persons do not need to be citizens to receive an ID card in Wisconsin – but they do need to be US citizens to get the ID free for the purposes of voting. Any non-US citizens must have their *legal presence* confirmed through US Customs and Immigration's SAVE system. Again – as only US citizens can vote, US citizenship is confirmed for a free ID for voting.
9. No fee required if eligible and requested for voting purposes.
10. DMV issuance system does a facial recognition search, and then for individuals who have successfully met all of the above criteria, including proof of citizenship for those requesting the ID free for voting, a receipt which is valid for voting is provided over the counter to use until the ID card arrives in the mail.
11. The card is printed and mailed and usually arrives within one week.

The Wisconsin Supreme Court ruling in July 2014 (*Milwaukee NAACP v Walker*) clarified that the department cannot require a document, that costs a fee to obtain, to receive a free ID for voting. Birth certificates cost a fee to obtain, thus in August 2014 to comply with the court decision WisDOT moved forward on both emergency and permanent rulemaking to clarify the process to obtain an identification card free for voting when documentation required is "unavailable". This is known as the ID petition process or IDPP. This officially took effect in September 2014.

The permanent rule on this topic was further amended in 2016. The changes in 2016 set forth best practices, timelines, and specific deadlines for verifications to ensure a consistent application throughout the petition process.

The petition process language included in the 2016 revision was then passed by this body and codified into Wisconsin Statutes via 2017 Act 369 – which took effect on December 16, 2018.

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WI-REP-24-1368-B-000554

This is the language that is now documented in Wis. Stat. 343.165(8) and Wis. Stat. 343.50 (1) and (3).

In the last 10 years, about 20,000 applicants have used this petition process to apply for a free ID card for voting. This is about 4.75% of total identification card applicants during this same time.

Per 343.165 (8) (a), “if a person is unable to provide proof of name and date of birth, and the documents are unavailable to the person, the person may make a written petition to the department for an exception to the requirements.”

Consistent administration of the petition process is key to ensuring that all persons entitled to a free identification card for voting can receive one in time to exercise their right to vote.

While the statutes reference “legal presence”, only US citizens can use the petition process to obtain a free ID for voting. This requirement has been consistent since 2011, and is specifically notated in Wis. Stat. 343.50 (5)(a)3. The form, MV3012 is required to apply via this process (copy has been provided). This form requests information from the applicant that is used to verify one’s birth record. This is information that is like that collected to request a copy of one’s birth certificate. There is also a space for US citizens not born in the United States to provide citizenship number, or information to substantiate one’s consular report of birth abroad (military, etc.)

The customer provides all other documentation available, has their photo taken, and then they are notified that a receipt valid for voting will be mailed to the residential address that they provided. With return service request, the receipt will not be received unless the person is on file at the address provided. If the applicant is experiencing homelessness, there is an alternative process to mail the receipt to a shelter or social services agency the customer is working with.

Again, facial recognition checks are run, and then the information provided on the petition application is shared with DHS Vital Records for a birth record search via the EVVE (Electronic Verification of Vital Events) system. Many of these applications are confirmed within 24 hours, and then assuming all other documentation is complete, DMV staff will authorize the printing of the card. Because the applicant used this process, their record is marked as “IDPP” so if the

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applicant wants to get a driver license in the future (or obtain a REAL ID), additional documentation will need to be provided.

As noted in Wisconsin Statutes, there are some required actions and timelines for the petition process.

Per 343.50(1)(c) – the department shall issue the receipt not later than the 6th working day after the person made the petition and shall deliver via 1st class mail….unless immediately adjacent to an election and the receipt must be issued within 24 hours via overnight mail. The receipt is valid for 60 days.

If the department is unable to verify birth documentation within 30 days, a letter must be sent to the petitioner requesting that they contact the department within 10 days. If the department does not receive a response within 10 days, a second letter is mailed out. If there is still no response, the department will connect via telephone and/or email (if known). If the department gets to 30 days without a response, the petition is suspended and a letter is mailed out. The letter indicates that the department needs the customer to make contact to continue work on the petition application. If the person fails to make contact during this suspension, the department will move forward in denying the application.

If the person connects with the department at any point post-denial, the petition shall begin anew. The applicant is to act in good faith and use reasonable efforts to provide additional information that could reasonably lead the department to discuss correct birth information or secondary documentation. The department shall investigate any additional information provided with prompt and due diligence and shall use reasonable efforts to locate and obtain the secondary documentation. The department shall pay any actual and necessary fees required to obtain secondary documentation.

What is secondary documentation?

If a birth record cannot be verified via EVVE, or they were born in a state that does not participate in the sharing of records via EVVE, the department can accept secondary documentation. The list of secondary documentation is in statute (343.165 (8)(b)3g).

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Examples of secondary documentation include a hospital birth certificate or a census record.

Between September 2014 and April 2024 (nearly 10 years), 1218 applications were approved using this secondary documentation, or extraordinary proof process. This is an average of 10/month or 11% of the total approved petition applications, or 0.2% of the total original IDs issued.

Nearly 11,000 total ID cards have been issued via the petition process (52%) of all applications.

1341 applications have been denied due to lack of communication (within the timelines detailed above). This is 6% of all petition applications received.

8170 of these applications were “cancelled” (39%). It is not unusual for someone to cancel themselves out of the petition process. This usually occurs when someone finds their “missing” birth certificate, or they decide that they would prefer to get the required documentation so that they can obtain a driver license or REAL ID.

In the past 10 years, 53 applications have been cancelled due to fraud or ineligibility. 23 of these applications were documented as fraud and referred to law enforcement. 14 of these fraudulent applications did not get a receipt to begin with – the fraud or ineligibility was noted before the receipt was issued. Thus, there have been 9 known fraud cases, over the last 10 years, where a temporary receipt was issued prior to cancellation. On average, this is less than one case per year.

I am happy to answer any questions from committee members regarding the process to obtain a free ID for voting.

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WI-REP-24-1368-B-000557

# Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov


Dear committee members,

Thank you for inviting the Wisconsin Elections Commission to provide the joint committee with testimony for information only. I regret that I am unable to deliver this testimony in-person due to attending a public meeting the six Commissioners scheduled to address emergent issues that is happening at the same time as this hearing. It is my understanding that Senator Knodl seeks information regarding Wisconsin's photo ID law and voter registration and how this intersects with U.S. Citizenship requirements.

The Department of Transportation is best positioned to answer questions related to the statutes and processes for issuing a Wisconsin Driver License, Wisconsin ID, or an ID using the ID Petition Process (IDPP). The WEC does not issue photo IDs for voting. The WEC *does* provide training and information about Wisconsin's photo ID law and the statutory processes for voter registration.

**U.S. Citizenship Requirement**

To be eligible to vote in Wisconsin, one must be a citizen of the United States. There are no exceptions, regardless of whether a noncitizen has a photo ID in their possession.

Per Wisconsin law, prospective voters are asked about citizenship during the voter registration process. Pursuant to Wis. Stat. § 6.27, voters must register, and as part of the statutory voter registration process, potential voters must attest on their registration form, under penalty of law, that they are a U.S. citizen and qualify to vote under Wis. Stat. § 6.02. Under Wisconsin law, the process for verifying citizenship is a voter self-certification and election officials cannot prescribe an additional qualification to the voter registration process that does not appear in statute.

However, there are ways to affirm whether someone meets voting qualifications. While poll workers under current law are generally not allowed to inquire further about a voter's citizenship status, and they can never add any additional qualifications to the registration or voting processes that are not in law, there are challenge processes that may be invoked if a voter's citizenship is brought into question for cause. The first is a challenge to a voter's registration status under Wis. Stat. § 6.48, which takes place before a municipal clerk. The second is a challenge on Election Day by an election inspector or another elector under Wis. Stats. §§ 6.92–6.95 to a person attempting to vote.

An individual's race, ethnicity, heritage, or English language proficiency cannot constitute cause to bring a challenge to an elector's voting qualifications.

Beyond the above challenge processes, stiff penalties exist to deter voters who are disqualified under law from attempting to vote. Making a false claim of citizenship to an election official to register to vote is a felony and carries serious consequences, up to and including fines and jail time. Wis. Stats. §§ 12.13(1)(b), 12.60(1)(a), 939.50(3)(i). While outside the purview of election statutes, noncitizens would also potentially face deportation, loss of immigration status, and a prohibition to U.S. citizenship in the future if they attempt to vote.


*Wisconsin Elections Commissioners*
Don M. Millis, chair | Marge Bostelmann | Ann S. Jacobs | Carrie Riepl | Robert Spindell | Mark L. Thomsen

*Administrator*
Meagan Wolfe



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Since the creation of our agency, the WEC has been made aware of and documented a total of four alleged instances of election fraud related to citizenship. These are allegations, and may not have resulted in a conviction, or even criminal charges. They come from WEC's annual *Report of Suspected Election Fraud, Irregularities or Violations,* which are posted to the WEC website and made available to the public and legislature after elections. These reports include referrals made to district attorneys by municipal clerks who have then reported the referrals to the Commission.

**Photo ID**

The WEC has recently fielded concerns about whether noncitizens could use a government-issued photo ID or identification card – such as a Wisconsin driver license or temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP) – to vote. While this is an understandable concern, it confuses the role of a photo ID in the voting process. The purpose of a photo ID in the voting process is to verify that the person seeking to vote is in fact who they say they are on their registration form.

Under Wisconsin law, a poll worker's review of a voter's photo ID is limited to the following:

- Inspectors verify that the name on the ID conforms to the name on the poll list
- Inspectors verify that any photograph on the proof of identification reasonably resembles the elector
- The inspectors verify that the proof of identification is unexpired or, if expired, it meets the expiration specifications
- The address on the proof of identification does NOT need to match the address on the poll list

Current Wisconsin law does not contemplate a poll worker using a person's photo ID to verify citizenship, and poll workers are not trained to use a photo ID in this way, nor does current state law allow them to look at a photo ID for information beyond what is prescribed in statute. If a person attempting to register does not attest to being a U.S. citizen, having a photo ID does not change the fact they will be denied the opportunity to register or vote.

**IDPP**

A brief note on IDPP, which is administered by DOT. The only part of IDPP that the WEC directly oversees is the training and guidance we provide election officials as to the acceptance of a temporary identification card receipt issued by Wisconsin DOT via IDPP.

The Identification Petition Process, or IDPP, was a result of the decade-long *One Wisconsin Institute v. Thomsen* litigation which required the DOT to develop a process to issue an ID to U.S. citizen voters who may not have access to documents like birth certificates. It then also required that IDs issued through this process to be used as photo ID for voting. The *One Wisconsin* ruling also required both election officials and DOT to make a court-ordered handout about the availability of IDPP. It's our understanding from the Wisconsin DOT that relatively few IDPP IDs are issued.

The WEC's role in IDPP, and photo ID in general, is to educate both clerks and voters on which IDs can be used for voting under Wisconsin law. The WEC's manuals and training programs list a temporary identification card receipt issued by Wisconsin DOT through IDPP as an acceptable photo ID for voting purposes, as long as it is unexpired.

Information about how a person's citizenship is verified, and under which circumstances a person is issued a receipt through IDPP is best obtained from DOT officials. You can find information, including the court-ordered information on IDPP at bringit.wi.gov. Clerk training and manuals on voter registration, photo ID and other election processes can be found at elections.wi.gov/clerks/manuals. Specifically, the Election Day manual

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discusses photo ID starting on page 54.

Thank you again for this opportunity. If Committee members have additional questions or would like to further discuss, I and WEC staff would be glad to meet to provide additional details.

Meagan Wolfe
Administrator, Wisconsin Elections Commission

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# Free ID and Identification Card Petition Process (IDPP)



## No Birth Certificate? No problem! Ask us how!

Call us at (844) 588-1069
or visit wisconsindmv.gov
bringit.wi.gov

Revised 01/20/2017

## Getting a free ID for voting is easy

1) Visit your local DMV office
We'll help. To find a DMV, call us
(844) 588-1069

2) Bring the following, if available:
   - Proof of name and date of birth (such as a Birth Certificate)
   - Proof of identity (Social Security Card, Medicaid/Medicare card, etc.)
   - Wisconsin residency (Utility Bill, Government Mail, Lease, etc.)
   - Proof of U.S. Citizenship (U.S. Birth certificate or Citizenship paperwork)
   - Social Security Number

3) If you don't have all or any of these... you can still get an ID for voting. Just bring what you have to the DMV, fill out two forms, and you will get a photo ID document in the mail that you can use in time for voting.

**Questions?** (844) 588-1069
wisconsindmv.gov
bringit.wi.gov

# Tarjeta de identificación gratuita y el proceso de peticionarla (IDPP)



## ¿No tiene su acta de nacimiento? ¡No hay problema! ¡Pregúntenos cómo!

Llámenos al (844) 588-1069
o visite wisconsindmv.gov
bringit.wi.gov

Revised 01/20/2017

## Obtener un ID gratuito para votar es fácil

1) Ir al DMV más cercano
Le ayudaremos. Para localizar un DMV, llámenos al (844) 588-1069

2) Presentar lo siguiente, si está disponible
   - Nombre y fecha de nacimiento (tal como un certificado de nacimiento)
   - Identidad (Tarjeta de Seguro Social, Tarjeta de Medicaid/Medicare, etc.)
   - Domicilio en Wisconsin (Cuenta de servicio público, correo gubernamental, contrato de alquiler, etc.)
   - Ciudadanía estadounidense Certificado de nacimiento de los EE.UU. o documentación de ciudadanía
   - Número de Seguro Social

3) Si usted no tiene todos o no tiene ninguno de ellos, todavía puede obtener un ID para votar. Presente lo que tenga al DMV, llene dos formularios, y obtendrá un documento de identificación con foto por correo que se puede utilizar a tiempo para votar.

¿Preguntas? (844) 588-1069
wisconsindmv.gov
bringit.wi.gov

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# Free ID and Identification Card Petition Process (IDPP)



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Revised 01/20/2017

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   - Proof of U.S. Citizenship (U.S. Birth certificate or Citizenship paperwork)
   - Social Security Number

3) If you don't have all or any of these... you can still get an ID for voting. Just bring what you have to the DMV, fill out two forms, and you will get a photo ID document in the mail that you can use in time for voting.

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wisconsindmv.gov
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Revised 01/20/2017

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   - Nombre y fecha de nacimiento (tal como un certificado de nacimiento)
   - Identidad (Tarjeta de Seguro Social, Tarjeta de Medicaid/Medicare, etc.)
   - Domicilio en Wisconsin (Cuenta de servicio público, correo gubernamental, contrato de alquiler, etc.)
   - Ciudadanía estadounidense Certificado de nacimiento de los EE.UU. o documentación de ciudadanía
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3) Si usted no tiene todos o no tiene ninguno de ellos, todavía puede obtener un ID para votar. Presente lo que tenga al DMV, llene dos formularios, y obtendrá un documento de identificación con foto por correo que se puede utilizar a tiempo para votar.

¿Preguntas? (844) 588-1069
wisconsindmv.gov
bringit.wi.gov

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**DATA EXCHANGE AGREEMENT FOR VERIFICATION OF ELECTOR INFORMATION RELATED TO THE HELP AMERICA VOTE ACT AND 2015 WI ACT 261**
**between**
**THE WISCONSIN DEPARTMENT OF TRANSPORTATION and THE WISCONSIN ELECTIONS COMMISSION**

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## I. PARTIES

The parties to this Data Exchange Agreement for Verification of Elector Information Related to the Help America Vote Act and 2015 WI Act 261 (the Agreement) by and between the Wisconsin Department of Transportation (hereinafter referred to as "WisDOT") and the Wisconsin Elections Commission (hereinafter referred to as "WEC") hereby agree to the terms and conditions set forth herein.

## II. AUTHORITY

This Agreement is entered into pursuant to Wis. Stat. §§. 85.61, 343.14(2j), and 343.50(8)(c)(3).

## III. PURPOSE

The purpose of this Agreement is to detail the mechanisms and practices to be followed by WisDOT and WEC related to data exchanges between WisDOT and WEC required under Wis. Stat. § . 85.61 regarding the Help America Vote Act of 2002, P.L. 107–252 ("HAVA") as amended and to assist WEC in meeting its obligations under Wis. Stat. § 6.36(1)(ae) regarding its requirements relating to the Electronic Registration Information Center, Inc., ERIC agreement. WisDOT and WEC agree to manage said exchanges in order to comply with state and federal law . The WEC Administrator and WisDOT Secretary are required by Wis. Stat. § 85.61(1), to enter into an agreement to verify the accuracy of information obtained by WEC during the voter registration process with personally identifiable information maintained by WisDOT.

Currently data exchanges include the following:

1. Compliance with the federal **Help America Vote Act of 2002 (HAVA)** as required by Wis. Stat. § 85.61. The Secretary of Transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by WEC under §. 6.36 (1) and the information specified in §. 6.34 (2m) with personally identifiable information in the identification card and operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the Secretary of Transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration.

2. **Electronic Voter Registration** as required by Wis. Stat. § 6.30(5). An eligible elector who holds a current and valid operator's license issued under ch. 343 or a current and valid identification card issued under §. 343.50 may register electronically in the manner prescribed by WEC. An

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elector who registers by electronic application is not required to provide proof of residence if the elections commission can verify the elector's data with WisDOT, as defined in §6.34(2m).

3. Under, Wis. Stat. §. 6.36(1)(ae), WEC is required to enter into a membership agreement with Electronic Registration Information Center (ERIC), Inc. for the purpose of maintaining the official registration list. To assist WEC in complying with this membership agreement, WisDOT shall provide information, as permitted by §. 343.14(2j) and §. 343.50(8)(c)(3), for the sole purpose of WEC compliance with the ERIC agreement.

## IV. STATEMENT OF INTENDED USE

### 1. HELP AMERICA VOTE ACT ("HAVA")

HAVA requires the WEC Administrator to verify certain voter data with records of WisDOT's Division of Motor Vehicles (DMV) or the Social Security Administration (SSA). This Agreement relates to the exchange of data for persons who hold a driver license or identification card as well as persons who do not hold a driver license or identification card but do have a social security number. WEC is responsible for compiling and transmitting a list of these voters for access by DMV.

For each record transmitted by WEC that includes a driver license or identification card number, DMV will compare identifying information provided by WEC with the DMV database records for the person with that driver license or identification card number. DMV will provide a response to WEC for each person identified by WEC stating whether DMV personally identifiable information on file for the person matches or does not match the data provided by WEC. The DMV response will be one of the following values:

- "1" An exact match.
- "2" The name and date of birth do not match.
- "3" The number and date of birth match, but the name does not.
- "4" The number and name match, but the date of birth does not.
- "5" A record does not exist for this number.
- "6" The number submitted is invalid. First position is not alphabetic, or the remainder is not numeric.
- "7" The name submitted is invalid.
- "8" The date of birth submitted is invalid.

If WEC does not provide a driver license or identification card number for a person, and WEC provides the last 4 digits of that person's social security number, name (First, Middle, if applicable, and Last) and date of birth, the DMV will transmit the data it receives from WEC to SSA by utilizing the Help America Vote Verification (HAVV) IT application. This application allows a jurisdiction motor vehicle agency such as WisDOT to verify voter registration and identity information with the SSA. Upon prompting from WEC, DMV will submit inquiries containing a person's personally identifiable information to the SSA via the HAVV application, and the SSA,

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via the HAVV application, responds and reports whether the data transmitted to it is consistent with SSA's data for that individual.

The SSA will compare the data it receives from WisDOT and respond to WisDOT as to whether the data submitted matches or does not match data it has on file for the person. DMV will report the SSA's determination to WEC. DMV's actions under this paragraph will facilitate the transmission of the records between WEC and SSA and will not involve comparing data exchanged between WEC and SSA with records in the DMV database.

Information will be exchanged between DMV, WisDOT, and SSA using secure protocols.

In the event WisDOT discovers that personally identifiable data provided to it by a driver license or identification card applicant is not consistent with data provided to WEC, WisDOT may take action to investigate and, if appropriate, cancel the license or identification card as required by Wis. Stat. §§ 343.25(1) and 343.50(10)(a).

**2. ELECTRONIC VOTER REGISTRATION**

The electronic voter registration system allows eligible electors to enter their Wisconsin driver license or identification card number, personal identifiers, and Wisconsin residence address into the WEC application to electronically register to vote via WEC's internet application. The WEC application will submit the customer's information electronically to WisDOT for verification. WisDOT will compare the driver license or identification card number, customer name, date of birth, and current Wisconsin zip code submitted by the WEC application, with information in the WisDOT customer database, and provide one of the following responses:

a. ERROR – Missing or invalid input
b. ERRNSD – Customer not found based on driver license number provided
c. ERRDOB – Date of birth mismatch
d. ERRDEAD – Deceased
e. ERRNAME – Name mismatch
f. ERRPRDT – Not current and valid product
g. ERRZIP – Zip code mismatch
h. MATCH – Customer match

DMV will carry out the data match check in the order set forth above and will cease checking if any of the 7 errors set forth above occur. DMV will notify WEC if there is a customer match or, if one of the errors numbered a to g above occurred, of the point that the check ceased. DMV notification to WEC under this paragraph will be transmitted through the verification system.

Wis. Stat. § 6.30(5) requires WEC to obtain copies of "electronic signatures" for persons who register by electronic application. WisDOT will provide a copy of such signature as acquired through its verification process relating to driver licenses and identification cards upon request by WEC .

**3. ELECTRONIC REGISTRATION INFORMATION CENTER (ERIC)**

WEC represents that the membership agreement, per Wis. Stat. § 6.36(1)(ae) it entered into with ERIC requires WEC to obtain a file from WisDOT at least once every 60 days, that contains

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all of the following data fields for U.S. citizen Wisconsin driver license and identification card holders:

a. All name fields
b. All address fields
c. Driver license or state ID number
d. Last 4 digits of Social Security Number
e. Date of birth
f. Last activity date (excluding cancellation)
g. Current record status
h. This dataset will be encrypted by WisDOT and made available to WEC through a secure protocol with mutual consent. WEC shall be responsible for communicating to ERIC its duties and responsibilities under the federal Driver's Privacy Protection Act of 1994 with respect to handling data obtained from WisDOT driver and identification card data files.

## V. DATA CONFIDENTIALITY AND USE

It is understood that WEC and WisDOT will use the data exchanged between the parties only for government purposes as defined in this Agreement and as authorized by state and federal law. WEC and WisDOT agree to comply with all state and federal laws and regulations regarding use of any data. WEC and WisDOT each agree to be responsible for any intentional or unintentional actions they respectively commit, and for the actions of their respective employees, or their contracted third parties, related to use of, access to, or disclosure of the data.

## VI. PROTECTION AGAINST UNAUTHORIZED USE, ACCESS, OR DISCLOSURE

WEC and WisDOT agree to comply with the following measures to protect the information provided under this Agreement against unauthorized access or disclosure:

1. The data subject to this Agreement shall be used only to the extent necessary to carry out WEC's official government functions as set forth in Section IV "Statement of Intended Use".
2. No one with access to data exchanged under this Agreement may share, disclose, or release any data that identifies or contributes to the identification of individuals except to carry out authorized government functions of WEC.
3. WEC and WisDOT shall have internal standards and disciplinary procedures that will apply to employees involved in handling or exchanging data under this Agreement.

## VII. WisDOT AGREES

WisDOT agrees that it will:

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1. Only use or disclose any data provided to it by WEC under this Agreement for purposes listed in Section IV "Statement of Intended Use" or as otherwise permitted by prior written approval from WEC.
2. Provide data verification or responses to data submissions to WEC in accordance with Section IV "Statement of Intended Use" of this Agreement.
3. Promptly notify WEC if WisDOT becomes aware of the following:
    a. Any known misuse of and/or breach of security or confidentiality involving data provided under this Agreement in writing not later than 48 hours of discovering the breach or misuse of data.
    b. Any litigation or notice of claim involving the content or handling of data furnished by WEC to WisDOT within three (3) business days of the earlier of the time WisDOT receives notice of the claim or is served with process.
4. Notify WEC if required matching with WisDOT is unavailable due to WisDOT computer system failure.
5. Ensure adequate means exist for WEC and WisDOT to test the data exchange and validation provisions of this agreement outside a production environment.

## VIII. WEC AGREES

WEC agrees that it will:

1. Only use or disclosure any data provided under this Agreement for purposes listed in Section IV "Statement of Intended Use" unless WEC obtains prior written approval from WisDOT.
2. Never refer to or use the names of the State of Wisconsin Department of Transportation or the Division of Motor Vehicles or their respective abbreviations, or any state official or employee for commercial purposes. Notwithstanding the foregoing, WEC may disclose that WisDOT provides verification of the data submitted by WEC.
3. At all times, comply with and observe all federal and state laws and regulations, and local ordinances and laws that are in effect during the term of this Agreement and which, in any manner, affect access to, use of, or distribution of the data. This Agreement shall be governed under the laws of the State of Wisconsin.
4. Notify WisDOT if WEC becomes aware of the following:
    a. Any known misuse of and/or breach of security or confidentiality involving data furnished to WEC, in writing within 48 hours.
    b. Any litigation or notice of claim involving the content or handling of data furnished to WEC. Such an occurrence shall be reported by WEC to WisDOT within three (3) business days.
5. Never use the trademarks of WisDOT in any fashion unless specifically authorized to do so in writing.
6. Acknowledge that records of its access to the verification system may be maintained by WisDOT.
7. Have an alternate process in place to register applicants to vote in the event that the WisDOT database or the online application are unavailable.

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8. WEC takes sole responsibility for any use of data gleaned from verification system and WisDOT does not warrant any of WEC's information.
9. Consistent with the requirements of 18 USC 2721 (c) WEC shall keep, for a period of five (5) years from the date of accessing any data provided under this Agreement, records identifying each person or entity that receives information and the permitted purpose for which the information is used and must make such records available to WisDOT upon request.

## IX. GENERAL PROVISIONS

1. Notwithstanding any provision or language in this Agreement to the contrary, WisDOT reserves the right to terminate WEC access to the verification system, without recourse against WisDOT by WEC, at any time WisDOT is restrained or enjoined by a court of competent jurisdiction from providing the data or upon the effective date of an act of the Wisconsin Legislature repealing WisDOT's authority to provide the data, or as provided in Section X "Term" of this Agreement. Prior to termination of WEC access under this subsection, WisDOT shall provide written notification and a copy of the court order or legislation which precludes WisDOT from continuing to provide WEC access to the verification system.

2. WEC acknowledges and agrees that WisDOT may appoint a third party to operate and maintain portions of the verification system. Access to any portion of the verification system provided by such third-party designee may require the execution of additional terms and conditions by and between WEC as approved by WisDOT. Any third party appointed by WisDOT to operate and maintain portions of the verification system shall be subject to the same confidentiality requirements that are applicable to WisDOT and WEC as provided in this Agreement, Section IV "Data Confidentiality and Use".

3. If performance of this Agreement is rendered impossible or is delayed, interrupted or prevented by reason of any strike or similar labor difficulty, accident, fire, explosion, flood, mobilization, war, hostilities, riot, rebellion, revolution, blockade, act of public enemies, act of God, act of the Federal or state government, or by any other cause, whether or not the nature specifically enumerated above, which is beyond the reasonable control of the parties, then the parties shall be excused from performance of any obligation under this Agreement, except that this paragraph does not relieve any duty created by law. In the event either party is excused from the performance of any obligation pursuant to this provision, the parties shall consult and make an equitable adjustment to the payment or other provisions of this Agreement.

4. WEC and WisDOT agree to the work in good faith to ensure to the greatest extent possible that the purpose of the system stated in Section IV "Statement of Intended Use" is fulfilled through necessary updates and upgrades to the verification system if needed.

5. No amendment to this Agreement shall be effective unless it is in writing and signed by the authorized representative of each party.

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6. No term or provision of this Agreement shall be deemed waived and no breach excused, unless such waiver or consent has been documented in writing and signed by the parties. The waiver, modification, or failure to insist by the parties on any of these terms or conditions, shall not void, waive, or modify any of the other terms or conditions nor be construed as a waiver or relinquishment of the parties' right to performance of any such term or condition.

7. WisDOT reserves the right to modify the database and access procedures at any time for the express purpose of serving WisDOT's needs in maintaining the verification system. WisDOT agrees to promptly notify WEC of a WisDOT decision to modify the database to allow WECs sufficient time to modify the WEC application and allow continuity of the verification system for all qualified applicants.

8. This Agreement shall be governed under the laws of the State of Wisconsin and the United States of America.

9. Official notices or communications arising out of performance of this Agreement to be given by WEC to WisDOT at:

   Administrator, Division of Motor Vehicles
   Wisconsin Department of Transportation
   4822 Madison Yards Way
   Madison, WI 53705

   Official notices or communications arising out of performance of this Agreement to be given by WisDOT to WEC at:

   Administrator, Wisconsin Elections Commission
   P.O. Box 7984
   Madison, WI 53707-7984

10. This Agreement may be signed electronically and in counterpart form and constitutes the entire Agreement between the parties. It may be amended only by a written Agreement executed by both parties. This Agreement revokes all prior Agreement, memoranda of understanding, or other contracts between the parties. Venue for any litigation regarding this Agreement shall be Dane County, Wisconsin.
11. Any obligations required under this Agreement are subject to and contingent upon continued legislative appropriation of the funds to the parties necessary in order for the parties to perform herein. The parties reserve the right to terminate this Agreement without fault due to a lapse in appropriations.

## X. CHARGES INCURRED

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1. Except as specified in par. 2, below, WEC and WisDOT agree to be individually responsible for carrying out and paying for all system design changes and enhancements to their respective computer and electronic communication systems necessary to maintain access or to successfully carry out the functions set forth in Section IV, "Statement of Intended Use".

2. WEC agrees to pay:
    a. The annual maintenance fee, as charged by the AAMVA for the HAVV IT application. The government rate schedule for this service is published annually by AAMVA by October 1st of each calendar year. For reference, the annual HAVV maintenance fee for the period from October 1, 2022 to September 30, 2023 is estimated to be $1,230.90.
    b. The annual CPU costs incurred by WisDOT for processing ERIC batch procedure (P7015703). For reference, at present, this monthly batch process costs approximately $162 per month, or approximately $1,944 per year. Fees are subject to change by the Department of Administration.

## XI. TERM AND CHANGES TO AGREEMENT

This Agreement shall be effective as of the last signature applied below. (Effective Date). The initial term of this Agreement shall be four (4) years from the Effective Date. Thereafter, this Agreement shall automatically renew for an additional four (4) year term unless terminated as provided below.

1. The Agreement may be terminated by either party at any time, without advanced notice, if the event of breach by the other party. WisDOT and WEC agree to work in good faith to resolve any issues prior to termination.
2. Unless prohibited by law, the Agreement may be terminated for convenience by providing sixty (60) days advance written notice, signed by a duly authorized representative of the party wishing to terminate, and provided to the other party.
3. The Agreement may be terminated in whole, or in part, if future privacy or data use legislation prohibits the distribution of any data provided under the terms of this Agreement. If the Agreement is terminated in part, the parties agree to amend the remainder of the Agreement to preserve the non-terminated parts in order to fulfill the purpose of the Agreement.

The confidentiality and disclosure requirements with regard to personally identifiable information the parties become aware of under this Agreement survive the termination of this Agreement.

## XII. AUTHORIZATION

The following parties, by their signatures and date hereto, acknowledge that they are authorized to enter into this Agreement on behalf of THEIR RESPECTIVE PARTY.

Each signatory having read this Agreement between The WISCONSIN DEPARTMENT OF TRANSPORTATION and The WISCONSIN ELECTIONS COMMISSION, by their signature below,

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acknowledge this Agreement on behalf of the agency or commission represented and commit that agency or commission and its employees to abide by the terms of the Agreement and all confidentiality restrictions and guidelines set forth in this Agreement.

**XIII. SIGNATURES**

**WISCONSIN DEPARTMENT OF TRANSPORATION**

Kristina Boardman

Kristina Boardman, Administrator, Division of Motor Vehicles

June 29, 2023

Date

**THE WISCONSIN ELECTIONS COMMISSION**

Meagan Wolfe

Meagan Wolfe, Administrator

June 29, 2023

Date

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**DATA EXCHANGE AGREEMENT FOR VERIFICATION OF ELECTOR INFORMATION RELATED TO THE HELP AMERICA VOTE ACT AND 2015 WI ACT 261**
**between**
**THE WISCONSIN DEPARTMENT OF TRANSPORTATION and THE WISCONSIN ELECTIONS COMMISSION**

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## I. PARTIES

The parties to this Data Exchange Agreement for Verification of Elector Information Related to the Help America Vote Act and 2015 WI Act 261 (the Agreement) by and between the Wisconsin Department of Transportation (hereinafter referred to as "WisDOT") and the Wisconsin Elections Commission (hereinafter referred to as "WEC") hereby agree to the terms and conditions set forth herein.

## II. AUTHORITY

This Agreement is entered into pursuant to Wis. Stat. §§. 85.61, 343.14(2j), and 343.50(8)(c)(3).

## III. PURPOSE

The purpose of this Agreement is to detail the mechanisms and practices to be followed by WisDOT and WEC related to data exchanges between WisDOT and WEC required under Wis. Stat. § . 85.61 regarding the Help America Vote Act of 2002, P.L. 107–252 ("HAVA") as amended and to assist WEC in meeting its obligations under Wis. Stat. § 6.36(1)(ae) regarding its requirements relating to the Electronic Registration Information Center, Inc., ERIC agreement. WisDOT and WEC agree to manage said exchanges in order to comply with state and federal law . The WEC Administrator and WisDOT Secretary are required by Wis. Stat. § 85.61(1), to enter into an agreement to verify the accuracy of information obtained by WEC during the voter registration process with personally identifiable information maintained by WisDOT.

Currently data exchanges include the following:

1. Compliance with the federal **Help America Vote Act of 2002 (HAVA)** as required by Wis. Stat. § 85.61. The Secretary of Transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by WEC under §. 6.36 (1) and the information specified in §. 6.34 (2m) with personally identifiable information in the identification card and operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the Secretary of Transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration.

2. **Electronic Voter Registration** as required by Wis. Stat. § 6.30(5). An eligible elector who holds a current and valid operator's license issued under ch. 343 or a current and valid identification card issued under §. 343.50 may register electronically in the manner prescribed by WEC. An

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elector who registers by electronic application is not required to provide proof of residence if the elections commission can verify the elector's data with WisDOT, as defined in §6.34(2m).

3. Under, Wis. Stat. §. 6.36(1)(ae), WEC is required to enter into a membership agreement with Electronic Registration Information Center (ERIC), Inc. for the purpose of maintaining the official registration list. To assist WEC in complying with this membership agreement, WisDOT shall provide information, as permitted by §. 343.14(2j) and §. 343.50(8)(c)(3), for the sole purpose of WEC compliance with the ERIC agreement.

## IV. STATEMENT OF INTENDED USE

### 1. HELP AMERICA VOTE ACT ("HAVA")

HAVA requires the WEC Administrator to verify certain voter data with records of WisDOT's Division of Motor Vehicles (DMV) or the Social Security Administration (SSA). This Agreement relates to the exchange of data for persons who hold a driver license or identification card as well as persons who do not hold a driver license or identification card but do have a social security number. WEC is responsible for compiling and transmitting a list of these voters for access by DMV.

For each record transmitted by WEC that includes a driver license or identification card number, DMV will compare identifying information provided by WEC with the DMV database records for the person with that driver license or identification card number. DMV will provide a response to WEC for each person identified by WEC stating whether DMV personally identifiable information on file for the person matches or does not match the data provided by WEC. The DMV response will be one of the following values:

- "1" An exact match.
- "2" The name and date of birth do not match.
- "3" The number and date of birth match, but the name does not.
- "4" The number and name match, but the date of birth does not.
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If WEC does not provide a driver license or identification card number for a person, and WEC provides the last 4 digits of that person's social security number, name (First, Middle, if applicable, and Last) and date of birth, the DMV will transmit the data it receives from WEC to SSA by utilizing the Help America Vote Verification (HAVV) IT application. This application allows a jurisdiction motor vehicle agency such as WisDOT to verify voter registration and identity information with the SSA. Upon prompting from WEC, DMV will submit inquiries containing a person's personally identifiable information to the SSA via the HAVV application, and the SSA,

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via the HAVV application, responds and reports whether the data transmitted to it is consistent with SSA's data for that individual.

The SSA will compare the data it receives from WisDOT and respond to WisDOT as to whether the data submitted matches or does not match data it has on file for the person. DMV will report the SSA's determination to WEC. DMV's actions under this paragraph will facilitate the transmission of the records between WEC and SSA and will not involve comparing data exchanged between WEC and SSA with records in the DMV database.

Information will be exchanged between DMV, WisDOT, and SSA using secure protocols.

In the event WisDOT discovers that personally identifiable data provided to it by a driver license or identification card applicant is not consistent with data provided to WEC, WisDOT may take action to investigate and, if appropriate, cancel the license or identification card as required by Wis. Stat. §§ 343.25(1) and 343.50(10)(a).

**2. ELECTRONIC VOTER REGISTRATION**

The electronic voter registration system allows eligible electors to enter their Wisconsin driver license or identification card number, personal identifiers, and Wisconsin residence address into the WEC application to electronically register to vote via WEC's internet application. The WEC application will submit the customer's information electronically to WisDOT for verification. WisDOT will compare the driver license or identification card number, customer name, date of birth, and current Wisconsin zip code submitted by the WEC application, with information in the WisDOT customer database, and provide one of the following responses:

a. ERROR – Missing or invalid input
b. ERRNSD – Customer not found based on driver license number provided
c. ERRDOB – Date of birth mismatch
d. ERRDEAD – Deceased
e. ERRNAME – Name mismatch
f. ERRPRDT – Not current and valid product
g. ERRZIP – Zip code mismatch
h. MATCH – Customer match

DMV will carry out the data match check in the order set forth above and will cease checking if any of the 7 errors set forth above occur. DMV will notify WEC if there is a customer match or, if one of the errors numbered a to g above occurred, of the point that the check ceased. DMV notification to WEC under this paragraph will be transmitted through the verification system.

Wis. Stat. § 6.30(5) requires WEC to obtain copies of "electronic signatures" for persons who register by electronic application. WisDOT will provide a copy of such signature as acquired through its verification process relating to driver licenses and identification cards upon request by WEC .

**3. ELECTRONIC REGISTRATION INFORMATION CENTER (ERIC)**

WEC represents that the membership agreement, per Wis. Stat. § 6.36(1)(ae) it entered into with ERIC requires WEC to obtain a file from WisDOT at least once every 60 days, that contains

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all of the following data fields for U.S. citizen Wisconsin driver license and identification card holders:

a. All name fields
b. All address fields
c. Driver license or state ID number
d. Last 4 digits of Social Security Number
e. Date of birth
f. Last activity date (excluding cancellation)
g. Current record status
h. This dataset will be encrypted by WisDOT and made available to WEC through a secure protocol with mutual consent. WEC shall be responsible for communicating to ERIC its duties and responsibilities under the federal Driver's Privacy Protection Act of 1994 with respect to handling data obtained from WisDOT driver and identification card data files.

## V. DATA CONFIDENTIALITY AND USE

It is understood that WEC and WisDOT will use the data exchanged between the parties only for government purposes as defined in this Agreement and as authorized by state and federal law. WEC and WisDOT agree to comply with all state and federal laws and regulations regarding use of any data. WEC and WisDOT each agree to be responsible for any intentional or unintentional actions they respectively commit, and for the actions of their respective employees, or their contracted third parties, related to use of, access to, or disclosure of the data.

## VI. PROTECTION AGAINST UNAUTHORIZED USE, ACCESS, OR DISCLOSURE

WEC and WisDOT agree to comply with the following measures to protect the information provided under this Agreement against unauthorized access or disclosure:

1. The data subject to this Agreement shall be used only to the extent necessary to carry out WEC's official government functions as set forth in Section IV "Statement of Intended Use".
2. No one with access to data exchanged under this Agreement may share, disclose, or release any data that identifies or contributes to the identification of individuals except to carry out authorized government functions of WEC.
3. WEC and WisDOT shall have internal standards and disciplinary procedures that will apply to employees involved in handling or exchanging data under this Agreement.

## VII. WisDOT AGREES

WisDOT agrees that it will:

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1. Only use or disclose any data provided to it by WEC under this Agreement for purposes listed in Section IV "Statement of Intended Use" or as otherwise permitted by prior written approval from WEC.
2. Provide data verification or responses to data submissions to WEC in accordance with Section IV "Statement of Intended Use" of this Agreement.
3. Promptly notify WEC if WisDOT becomes aware of the following:
    a. Any known misuse of and/or breach of security or confidentiality involving data provided under this Agreement in writing not later than 48 hours of discovering the breach or misuse of data.
    b. Any litigation or notice of claim involving the content or handling of data furnished by WEC to WisDOT within three (3) business days of the earlier of the time WisDOT receives notice of the claim or is served with process.
4. Notify WEC if required matching with WisDOT is unavailable due to WisDOT computer system failure.
5. Ensure adequate means exist for WEC and WisDOT to test the data exchange and validation provisions of this agreement outside a production environment.

## VIII. WEC AGREES

WEC agrees that it will:

1. Only use or disclosure any data provided under this Agreement for purposes listed in Section IV "Statement of Intended Use" unless WEC obtains prior written approval from WisDOT.
2. Never refer to or use the names of the State of Wisconsin Department of Transportation or the Division of Motor Vehicles or their respective abbreviations, or any state official or employee for commercial purposes. Notwithstanding the foregoing, WEC may disclose that WisDOT provides verification of the data submitted by WEC.
3. At all times, comply with and observe all federal and state laws and regulations, and local ordinances and laws that are in effect during the term of this Agreement and which, in any manner, affect access to, use of, or distribution of the data. This Agreement shall be governed under the laws of the State of Wisconsin.
4. Notify WisDOT if WEC becomes aware of the following:
    a. Any known misuse of and/or breach of security or confidentiality involving data furnished to WEC, in writing within 48 hours.
    b. Any litigation or notice of claim involving the content or handling of data furnished to WEC. Such an occurrence shall be reported by WEC to WisDOT within three (3) business days.
5. Never use the trademarks of WisDOT in any fashion unless specifically authorized to do so in writing.
6. Acknowledge that records of its access to the verification system may be maintained by WisDOT.
7. Have an alternate process in place to register applicants to vote in the event that the WisDOT database or the online application are unavailable.

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8. WEC takes sole responsibility for any use of data gleaned from verification system and WisDOT does not warrant any of WEC's information.
9. Consistent with the requirements of 18 USC 2721 (c) WEC shall keep, for a period of five (5) years from the date of accessing any data provided under this Agreement, records identifying each person or entity that receives information and the permitted purpose for which the information is used and must make such records available to WisDOT upon request.

## IX. GENERAL PROVISIONS

1. Notwithstanding any provision or language in this Agreement to the contrary, WisDOT reserves the right to terminate WEC access to the verification system, without recourse against WisDOT by WEC, at any time WisDOT is restrained or enjoined by a court of competent jurisdiction from providing the data or upon the effective date of an act of the Wisconsin Legislature repealing WisDOT's authority to provide the data, or as provided in Section X "Term" of this Agreement. Prior to termination of WEC access under this subsection, WisDOT shall provide written notification and a copy of the court order or legislation which precludes WisDOT from continuing to provide WEC access to the verification system.

2. WEC acknowledges and agrees that WisDOT may appoint a third party to operate and maintain portions of the verification system. Access to any portion of the verification system provided by such third-party designee may require the execution of additional terms and conditions by and between WEC as approved by WisDOT. Any third party appointed by WisDOT to operate and maintain portions of the verification system shall be subject to the same confidentiality requirements that are applicable to WisDOT and WEC as provided in this Agreement, Section IV "Data Confidentiality and Use".

3. If performance of this Agreement is rendered impossible or is delayed, interrupted or prevented by reason of any strike or similar labor difficulty, accident, fire, explosion, flood, mobilization, war, hostilities, riot, rebellion, revolution, blockade, act of public enemies, act of God, act of the Federal or state government, or by any other cause, whether or not the nature specifically enumerated above, which is beyond the reasonable control of the parties, then the parties shall be excused from performance of any obligation under this Agreement, except that this paragraph does not relieve any duty created by law. In the event either party is excused from the performance of any obligation pursuant to this provision, the parties shall consult and make an equitable adjustment to the payment or other provisions of this Agreement.

4. WEC and WisDOT agree to the work in good faith to ensure to the greatest extent possible that the purpose of the system stated in Section IV "Statement of Intended Use" is fulfilled through necessary updates and upgrades to the verification system if needed.

5. No amendment to this Agreement shall be effective unless it is in writing and signed by the authorized representative of each party.

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6. No term or provision of this Agreement shall be deemed waived and no breach excused, unless such waiver or consent has been documented in writing and signed by the parties. The waiver, modification, or failure to insist by the parties on any of these terms or conditions, shall not void, waive, or modify any of the other terms or conditions nor be construed as a waiver or relinquishment of the parties' right to performance of any such term or condition.

7. WisDOT reserves the right to modify the database and access procedures at any time for the express purpose of serving WisDOT's needs in maintaining the verification system. WisDOT agrees to promptly notify WEC of a WisDOT decision to modify the database to allow WECs sufficient time to modify the WEC application and allow continuity of the verification system for all qualified applicants.

8. This Agreement shall be governed under the laws of the State of Wisconsin and the United States of America.

9. Official notices or communications arising out of performance of this Agreement to be given by WEC to WisDOT at:

   Administrator, Division of Motor Vehicles
   Wisconsin Department of Transportation
   4822 Madison Yards Way
   Madison, WI 53705

   Official notices or communications arising out of performance of this Agreement to be given by WisDOT to WEC at:

   Administrator, Wisconsin Elections Commission
   P.O. Box 7984
   Madison, WI 53707-7984

10. This Agreement may be signed electronically and in counterpart form and constitutes the entire Agreement between the parties. It may be amended only by a written Agreement executed by both parties. This Agreement revokes all prior Agreement, memoranda of understanding, or other contracts between the parties. Venue for any litigation regarding this Agreement shall be Dane County, Wisconsin.
11. Any obligations required under this Agreement are subject to and contingent upon continued legislative appropriation of the funds to the parties necessary in order for the parties to perform herein. The parties reserve the right to terminate this Agreement without fault due to a lapse in appropriations.

## X. CHARGES INCURRED

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1. Except as specified in par. 2, below, WEC and WisDOT agree to be individually responsible for carrying out and paying for all system design changes and enhancements to their respective computer and electronic communication systems necessary to maintain access or to successfully carry out the functions set forth in Section IV, "Statement of Intended Use".

2. WEC agrees to pay:
    a. The annual maintenance fee, as charged by the AAMVA for the HAVV IT application. The government rate schedule for this service is published annually by AAMVA by October 1st of each calendar year. For reference, the annual HAVV maintenance fee for the period from October 1, 2022 to September 30, 2023 is estimated to be $1,230.90.
    b. The annual CPU costs incurred by WisDOT for processing ERIC batch procedure (P7015703). For reference, at present, this monthly batch process costs approximately $162 per month, or approximately $1,944 per year. Fees are subject to change by the Department of Administration.

## XI. TERM AND CHANGES TO AGREEMENT

This Agreement shall be effective as of the last signature applied below. (Effective Date). The initial term of this Agreement shall be four (4) years from the Effective Date. Thereafter, this Agreement shall automatically renew for an additional four (4) year term unless terminated as provided below.

1. The Agreement may be terminated by either party at any time, without advanced notice, if the event of breach by the other party. WisDOT and WEC agree to work in good faith to resolve any issues prior to termination.
2. Unless prohibited by law, the Agreement may be terminated for convenience by providing sixty (60) days advance written notice, signed by a duly authorized representative of the party wishing to terminate, and provided to the other party.
3. The Agreement may be terminated in whole, or in part, if future privacy or data use legislation prohibits the distribution of any data provided under the terms of this Agreement. If the Agreement is terminated in part, the parties agree to amend the remainder of the Agreement to preserve the non-terminated parts in order to fulfill the purpose of the Agreement.

The confidentiality and disclosure requirements with regard to personally identifiable information the parties become aware of under this Agreement survive the termination of this Agreement.

## XII. AUTHORIZATION

The following parties, by their signatures and date hereto, acknowledge that they are authorized to enter into this Agreement on behalf of THEIR RESPECTIVE PARTY.

Each signatory having read this Agreement between The WISCONSIN DEPARTMENT OF TRANSPORTATION and The WISCONSIN ELECTIONS COMMISSION, by their signature below,

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acknowledge this Agreement on behalf of the agency or commission represented and commit that agency or commission and its employees to abide by the terms of the Agreement and all confidentiality restrictions and guidelines set forth in this Agreement.

**XIII. SIGNATURES**

**WISCONSIN DEPARTMENT OF TRANSPORATION**

Kristina Boardman

Kristina Boardman, Administrator, Division of Motor Vehicles

June 29, 2023

Date

**THE WISCONSIN ELECTIONS COMMISSION**

Meagan Wolfe

Meagan Wolfe, Administrator

June 29, 2023

Date

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
May 14, 2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Wis. Admin. Code ch. EL 12, Certification and Training of Municipal Clerks

4. Subject
Certification and Training of Municipal Clerks

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
Wis. Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider. On pages 9 and 10, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed rule amendments are meant to conform with the recommendations from the LAB and update EL 12 to show current statutory and terminological information.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
All Wisconsin municipal clerks were contacted via a clerk communication on the Commission's website and newsletter to solicit comments on the proposed rule.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
N/A

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The proposed rule amendment pertaining to the definition of the Statewide Voter Registration System will also serve to make existing code clearer, thus reducing the risk that any party trying to interpret the provision will find it difficult and/or contact Commission staff seeking clarification. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

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DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the proposed rule amendments are conformity with LAB recommendations and statutory changes made to municipal clerk training terms, public clarity as to the name of the statewide voter registration system, and improved communication regarding the training of muncipal clerks. The alternative to implementing the proposed rule amendments would be maintaining the status quo in which EL 12 does not reflect the correct election cycle date, the name of the statewide voter registration system is not defined and there is no communication process for when municipal clerks fail to meet training standards.

16. Long Range Implications of Implementing the Rule

The election cycle and the name of the statewide voter registration system would be as amended as such until a new change to either was presented by the WEC. Municipalities would need to provide email addresses and receive communications from the WEC regarding muncipal clerks failing to meet training standards. This would be a permanent change though relatively burdenless on municipalitites.

17. Compare With Approaches Being Used by Federal Government

In the United States the election cycle is the day after the last general election to the day of the next general election. The general election is the first Tuesday after the first Monday in November of even years. The election cycle in Wisconsin is from January 1 of even years to December 31 of the following odd year. The other two proposed rule amendments have no comparison to any federal process.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. Illinois gives rules for a particular statewide voter registration system but does not specifically define or name their statewide voter registration system. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. Michigan defines their statewide voter registration system as the “uniform voting system.” The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some counties and in odd years in other counties. Minnesota defines their statewide voter registrations system as, “statewide registration system.” A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Iowa law mentions a statewide voter registration system but does not give a specific name or definition to it. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

| 19. Contact Name | 20. Contact Phone Number |
|---|---|
| Brandon Hunzicker, Staff Atorney | (608) 267-0714 |

This document can be made available in alternate formats to individuals with disabilities upon request.

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WI-REP-24-1368-B-000583

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There will be no economic or fiscal impact on small businesses from the implementation of this proposed rule.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☒ Other, describe:

N/A

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

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**Report From Agency**

**STATE OF WISCONSIN**
**ELECTIONS COMMISSION**

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| | | |
|---|---|---|
| **IN THE MATTER OF RULEMAKING** | **:** | |
| **PROCEEDINGS BEFORE THE** | **:** | **REPORT TO THE LEGISLATURE** |
| **ELECTIONS COMMISSION** | **:** | **CR 24-043** |

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**I. THE PROPOSED RULE:**
The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:** N/A

**III. FISCAL ESTIMATE AND EIA:**
The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**
The basis and purpose of the proposed rule is to revise Wisconsin Administrative Code ch. EL 12, according to the recommendations of the Legislative Audit Bureau in its 21-19 report. The rule would advance statutory purposes by adding the correct dates of an election cycle and adding a requirement that the Commission send letters to the governing body of a municipal clerk who does not complete training on time.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**
The Elections Commission held a public hearing on June 12, 2024. No written or oral public comments were received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**
**Comment:** 2.a. "The amendment of s. EL 12.01 (2) and (5) may be reflected in a single SECTION of the rule text, beginning with a treatment clause that states, "EL 12.01 (2) and (5) are amended to read:". [s. 1.03 (2) (c) 2., Manual.] Note the current treatment clause for SECTION 1 of the proposed rule inaccurately refers to amendment of s. EL 12.02."

**Response**: The Commission accepted this recommendation, however, after the Commission accepted the recommendation to use a note to clarify that the Statewide Voter Registration system is called WisVote, it no longer needs to amend section (5), and that amendment has been removed.

**Comment:** 2.b. "The proposed rule must include an effective date SECTION to indicate the date on which the rule changes take effect. [s. 1.03 (4), Manual.] Relatedly, is it

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necessary for the agency to specify the initial applicability of the proposed rule, as described in s. 1.03 (3) of the Manual?"

**Response:** The Commission accepted this recommendation and added the default effective date. It is not necessary to specify an initial applicability because the rule updates will not change existing procedures.

**Comment:** 2.c. "The proposed language inserted into s. EL 12.01 (5) is not a definition." The Legislative Council staff provided several options for the Commission to address this issue.

**Response:** The Commission accepted the recommendation to add a clarifying note under section EL 12.01(5) instead of changing the name by rule. References to Wis. Stat. § 6.36 and descriptions and amendments concerning the name WisVote have therefore been removed from the rule order.

**Comment:** 5.a. "SECTION 9 of the analysis cites LAB Report 21-19 and refers specifically to pages 9 and 10 of the report. It appears that LAB recommendations related to the proposed rule also appear on pages 12 and 13 of the report."

**Response**: The Commission accepted this recommendation.

**Comment:** 5.b. The Legislative Council staff recommended that the discussion of Wis. Stats. §§ 6.36 and 7.15(1m) would be more appropriate in the plain language analysis section rather than the related statutes or rule since the Commission is interpreting those statutes in updating the rule. It also recommended clarifying that while WisVote contains the official registration list under § 6.36, WisVote also encompasses more than just the list.

**Response**: The Commission accepted this recommendation, but also removed the citation to Wis. Stat. § 6.36 due to proceeding with a note concerning the name WisVote instead of a rule.

**Comment:** 5.c. and d. The Legislative Council staff recommended amending the exiting rule text of EL 12.02(7) to use the active voice, to reorder the new rule text chronologically, and to not capitalize "commission" in the rule text.

**Response**: The Commission accepted this recommendation.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:** N/A

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The statement of scope for this rule, SS 008-22, was approved by the Governor on February 3, 2022, published in Register No. 795A2 on March 14, 2022, and approved by the Wisconsin Elections Commission on April 20, 2022.

ORDER OF THE STATE OF WISCONSIN ELECTIONS COMMISSION AMENDING RULES

The Wisconsin Elections Commission adopts an order to **amend** EL 12.01 (2) and 12.02 (7), relating to the certification and training of municipal clerks.

**Analysis Prepared by the Wisconsin Elections Commission**

**1. Statutes Interpreted:** Sections 7.15(1m) and 7.315(2), Stats.

**2. Statutory Authority:** Sections 5.05(1)(f), 7.315(2), and 227.11(2)(a), Stats.

**3. Explanation of Agency Authority:**

Section 5.05(1)(f), Stats., established the statutory authority and framework for regulation and administration of elections by the Commission. It states that:

> The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission may: . . . (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

Section 7.315(2) requires the Commission to:

> by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

Section 227.11(2)(a), Stats., authorizes an agency to promulgate rules interpreting the statutes administered by the agency, it states that:

> [e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

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**4. Related Statutes or Rules:** N/A

**5. Plain Language Analysis:**

The Commission seeks to revise Ch. EL 12, Wis. Adm. Code, to:

- Correct the definition of election cycle.
- Establish how municipality governing bodies are contacted by commission staff to notify them if municipal clerks have not met required training standards.

Chapter EL 12, Wis. Adm. Code, establishes standards and procedures for the certification and training of municipal clerks. Section 7.15(1m) established that clerk training periods "begin[] on January 1 of each even-numbered year and end[] on December 31 of the following year."

**6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

The Help America Vote Act of 2002 allocated federal funds to states where that state's chief executive and chief election official provided verification that the funds would be used to modernize election operations in predefined ways, and those requirements included the training of election officials, poll workers, and election volunteers (see § 101(b)(1)(D)).

**7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:**

The commission held a virtual preliminary public hearing on the statement of scope on March 23, 2022. Thirteen members of the public attended the preliminary public hearing. No attendees provided testimony at the hearing. Comments were accepted through March 23, 2022. No written comments were received.

**8. Comparison with Similar Rules in Adjacent States:**

Illinois: The election cycle is defined as January 1 after a general election to the day of the next general primary or the day after a general primary to December 31 after the general election. The general election is the first Tuesday after the first Monday of November in even years. County clerks are required to have a training course for election judges in Illinois, upon completion a certificate is granted. One judge from each major political party in each precinct must be certified, if this is not the case all judges in the precinct must be notified of this and the uncertified judges must undergo the training to be appointed. If they do not undergo the training, they are subject to removal from their position.

Michigan: The election cycle is the first day after the last general election to the next general election. The general election is the first Tuesday after the first Monday in November in an even numbered year, odd year general elections are held on the same day in odd years. The director of elections must conduct election training schools for clerks in each county, if a clerk fails to have these school in their county the director of elections must conduct them in that county.

Minnesota: The election cycle is January 1 following a general election to December 31 of the next year. The general election is the first Tuesday after the first Monday in November in even years in some

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counties and in odd years in other counties. A municipal clerk must successfully complete election administration training during each election cycle, the clerk must provide proof to the county auditor of completion of this training in order to be certified.

Iowa: The general election is the first Tuesday after the first Monday in November of even years. Commissioners are required to provide training courses for all election personnel and at least two personnel members must attend. Within 20 days following the general election the commissioner must file a document certifying that the training requirements were met.

**9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

In October 2021, the Legislative Audit Bureau (LAB) published a report, 21–19, based on its evaluation of election administration containing recommendations for the Commission to consider during rule promulgation. On pages 9–13, the LAB recommended updating Wis. Admin Code Ch. EL 12 to reflect statutory changes made to municipal clerk training terms, to update the administrative rule to include the name of the statewide voter registration system, "WisVote," and to specify how municipalities will be notified when clerk training requirements are not met. These proposed amendments are meant to conform with the recommendations from the LAB.

**10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:**
Redefining the election cycle will have no economic impact nor an effect on small business. The proposed rule amendment to provide notice of training deficiencies will have no impact on small business and a negligible economic impact as it would simply require municipalities to provide official mailing addresses to the Commission and read notices of training deficiencies.

**11. Effect on Small Business (initial regulatory flexibility analysis):**
The effect of the proposed rule amendments, and subsequent processes, will have no impact on small businesses. The administrative rule amendments pertaining to training cycles will simply bring the code into compliance with the training cycles that have already been implemented, thus having no impact upon clerks and elections inspectors, as well as local businesses or secondary parties. There are no increased commitments in time or training. The remaining changes will be implemented to ensure clerks are up to date in their training responsibilities.

**12. Agency Contact Person:**
Brandon Hunzicker
Wisconsin Elections Commission
201 West Washington Avenue
Madison, WI 53703
608-267-0714
brandon.hunzicker@wisconsin.gov

**13. Place where comments are to be submitted and deadline for submission:**
Written comments could have been emailed to brandon.hunzicker@wisconsin.gov or mailed to P.O. Box 7984, Madison, WI 53703-7984. The deadline to submit comments concerning the Economic Impact Statement was May 8. The notice of a public hearing provided a deadline of June 12, 2024, to submit comments concerning the rule text.

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**RULE TEXT**

**SECTION 1. EL 12.01 (2) is amended to read:**

**EL 12.01 (2)** "Election cycle" begins on January 1 of an ~~odd-numbered~~ even-numbered year and continues through December 31 of the following ~~even-numbered~~ odd-numbered year.

**SECTION 2. EL 12.02 (7) is amended to read:**

**EL 12.02 (7)** The commission shall notify ~~The~~ the governing body of any municipality whose municipal clerk fails to meet the training standards set out in this chapter ~~shall be notified of that fact by the commission~~. The commission shall request each municipality to submit to the commission its official municipal mailing address. Each municipality shall provide the requested information within 7 days of the request. The commission shall notify the top elected official in each municipality of a training deficiency by first class mail and within 30 days of an election cycle's end.

**SECTION 3. EFFECTIVE DATE.**

This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

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# Wisconsin Driver License and Identification Card Issuance Overview

**Background:**

A Wisconsin resident who wants to operate a motor vehicle upon a highway in this state must possess a valid driver license issued by WisDOT-DMV. The license must be valid and cannot be revoked, suspended, canceled, disqualified, or expired. Customers must meet documentation requirements to apply for a Wisconsin driver license (DL), instruction permit (IP), or identification (ID) card. Driver licenses are valid for an eight-year period. Licenses may be renewed within one year of expiration.

**Driver License and Identification Card Issuance Requirements:**

Customers must meet eligibility requirements including providing documentation to prove certain requirements are met. To obtain a Wisconsin DL, a customer must complete the MV3001 application, provide documentation proof of eligibility requirements, pass a vision test, and successfully complete all required knowledge, signs, and skills tests. Applicants for an ID card must complete an MV3004 application and provide documentation proof of eligibility requirements.

REAL ID – to obtain a REAL ID compliant Wisconsin DL or ID card, a customer must complete an MV3001 or MV3004 application and present acceptable documentation for

- proof of name and date of birth,
- proof of legal presence,
- proof of identity,
- two forms of proof for Wisconsin residency, and
- proof of name changes from birth, if required.

Customers must also provide a Social Security Number (SSN) if they have one, which must be verified by the Social Security Administration via an SSOLV verification. All documents must be presented at the time of application. A list of acceptable documents is provided in DMV's BDS316 – Acceptable Documents for a Wisconsin Driver License or ID Card.

Non-Compliant – to obtain a product that is not compliant with REAL ID standards, the same process for a REAL ID compliant product is followed with the following exceptions:

- only one form of Wisconsin residency proof is required, and
- the list the of acceptable documents to prove eligibility is expanded.

Customer Status – DMV participates in multiple national networks to check an applicant's driver status and history including the Problem Driver Pointer System (PDPS) and the State Pointer Exchange Service (SPEXS) to ensure Wisconsin does not issue a driver license to an applicant with a bad driving status or who may have a driver license in another state unless they surrender that license.

Legal Presence - Wisconsin DMV does not issue DL or ID products to anyone unless they are legally present in the United States and have provided documentary evidence proving so, per Wisconsin statute, Chapter 343.12(1)-(2)(es). Wisconsin issues products to U.S. citizens, Lawful Permanent Residents, and Lawful Temporary Visitors. At the time of application, documentary proof of lawful status provided by the individual is verified manually and by using US Customs & Immigration Services (USCIS) automated verification systems such as SAVE (Systematic Alien Verification for Entitlements) and VLS (Verification of Lawful Status).

Upon successful verification of the individual's legal presence in the United States (and other eligibility criteria), the applicant is issued a DL or ID with an expiration matched to the expiration of their legal presence in the U.S. All DL and ID cards issued to non-citizens are marked "Limited Term", or "Non-Domiciled" if the DL is a commercial driver license.

**ID Petition Process (IDPP)**

IDPP may be used for customers applying for an ID card who are unable to provide proof of name and date of birth, U.S. citizenship, identity, or other required documentation. Those customers must be 17 years of age or older, a U.S. citizen, seeking an ID for voting purposes, seeking a first ever Wisconsin product, and have a Wisconsin residential address. The customer completes an MV3004 ID card application, a MV3012 Unavailable Document petition, and DMV processes the applications as required by statute. The process is strictly detailed in 343.165(8). Applicants are issued a temporary

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