



# Wisconsin Elections Commission

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Aug. 28, 2023

Dear Committee Members,

I hope that as part of Tuesday's discussion with State Auditor Joe Chrisman concerning *Report 21-19, Elections Administration*, you will reference the two documents that the six members of the WEC submitted to the Legislature regarding their action on the audit. The documents are attached here for your reference. As you know, as Administrator of the WEC, I do not have a vote on the Commission and cannot implement a recommendation without four votes of the Commission. This concept was affirmed by Mr. Chrisman, who opted not to share the audit with WEC ahead of publication "because WEC's administrator has limited authority to act without WEC's involvement." I can report that the six members of the Commission have met regularly over the last two years since the audit to thoughtfully direct, through bipartisan votes, how the LAB's recommendations should be implemented.

First, on Dec. 1, 2021, the Commission met for more than 10 hours and considered actions and made motions on each of the LAB's 30 recommendations. Following that meeting, on Dec. 3, 2021, the Commission submitted a report to the Legislature with each of its actions outlined. In some instances, the Commission made the decision not to act. Those cases are reflected in the Commission's Dec. 3 letter and in the minutes of the meeting, which is attached here for your reference.

Next, on March 31, 2022, the Commission was able to report that most of the recommendations had been implemented or were near completion. In some instances, the Commissioners reported that they were in the process of promulgating a rule. WEC staff cannot take any action to start an administrative rule, nor move a proposed rule through the process without the explicit direction – requiring four votes of the Commission – to do so. The Chairperson of the Commission then has the authority to decide when and in what order those directives appear on the agenda. As you are also aware, the process for promulgating administrative rules is not solely controlled by an agency or Commission and involves actions and decisions by the Joint Legislative Committee on Administrative Rules. The process can take 18 to 24 months and the Commission has been diligent in addressing next steps in the administrative rule process as they arise. The Chair of the Commission has directed that a discussion of EL-12 take place during the September 7, 2023 quarterly meeting and EL-15 at the November 2, 2023 quarterly meeting.

As for the presentation from the LAB, while the WEC was not invited to testify, I am writing to remind you that the audit overall tells a positive story about Wisconsin election administration. Further, the documents I am providing with this letter show that Commissioners and staff have worked hard to address each audit finding. Report 21-19 showed Wisconsin runs its elections safely, accurately, and fairly. Audits are a tool to improve processes. I'm pleased to report that in the nearly two years since the LAB report was released, the Commissioners have, in fact, used the audit to make elections even better in Wisconsin.

Commissioners authorized the WEC to take several actions following the LAB report. These were reported to the Legislature in the WEC's March 2022 Audit Response. A summary of many actions is listed below. Numbers refer to those found in the "Progress Implementing Legislative Audit Bureau Recommendations" memo (see attachment) which was sent to the Joint Legislative Audit Committee in 2022.

- Implemented an additional nightly check to identify potential duplicate driver license numbers in the statewide voter registration database. (Recommendation #8)
- Provided additional clerk training. (Recommendation #s 15, 23, 24, 25, 27)

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph Czarnecki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

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Administrator  
Meagan Wolfe

- Contacted voting machine vendors to alert them to the importance of training on resolving paper jams. (Recommendation #27)
- Contacted municipal officials in jurisdictions where the clerk failed to take, and/or report, required training hours for the 2020–2021 training term. (Recommendation #s 2, 3)
- Made progress on several Administrative Rules (see below for recent progress on specific recommendations)
- Implemented ZenDesk, a customer service software program, to provide data to the Commission on the types of customer contacts as they request (Recommendation #30)
- Created a public calendar showing the public when WEC obtains each type of Electronic Registration Information Center (ERIC) data. (Recommendation #13)

Following the March 2022 Audit Response, WEC also:

- Adopted post-election audit parameters and procedures, including a voting equipment error rate calculation. The Commission used this policy to calculate an error rate of 0.0% when reviewing the audit results following the 2022 General Election. (Recommendation #28)
- Renewed a data sharing agreement with the Wisconsin Department of Transportation (DOT) (Recommendation #s 5, 6)
- Renewed a data sharing agreement with the Wisconsin Department of Health Services that remains in effect until revoked (DHS). (Recommendation #s 9, 10)
- Updated a data sharing agreement with the Wisconsin Department of Corrections that includes language from original agreement, that remains in effect until revoked (Recommendation #s 11, 12)
- Adopted new absentee certificate envelopes to be used in subsequent elections that contain a space for the witness's printed name. (Recommendation #14)
- Made progress on several Administrative Rules, a topic that is also on the agenda for the Commission's quarterly meetings in September and November.
  - The statement of scope to amend EL Chapter 12's training provisions has been approved by the Office of Governor Evers, WEC staff conducted a preliminary hearing on the scope statement, and the Legislative Reference Bureau published SS 008-22 on February 7, 2022. The draft rule language will be presented to the Commission for approval at its September 7, 2023, meeting. (Recommendation #s 1, 2, 3)
  - The statement of scope to create new EL Chapter 13 relating to Training for Election Inspectors and Special Voting Deputies has been approved by the Office of Governor Evers, WEC staff conducted a preliminary hearing on the scope statement, and the Legislative Reference Bureau published SS 030-22 on April 4, 2022. (Recommendation #4)
  - The statement of scope to create new EL Chapter 15 relating to Polling Place Emergency Planning has been approved by the Office of Governor Evers, WEC staff conducted a preliminary hearing on the scope statement, and the Legislative Reference Bureau published SS 010-22 on February 7, 2022. The draft rule language and associated documents will be presented to the Commission for approval at its November, meeting. (Recommendation #22)
  - The statement of scope relating to EL Chapter 7 related to approval and security of electronic voting equipment has been approved by the Office of Governor Evers, WEC staff conducted a preliminary hearing on the scope statement, and the Legislative Reference Bureau published SS 029-22 on April 4, 2022. (Recommendation #26)

Thank you,

Meagan Wolfe, Administrator, Wisconsin Elections Commission