

STATE OF WISCONSIN**CIRCUIT COURT****WAUKESHA**

Janel Brandtjen vs. Wisconsin Elections Commission et al

**Electronic Filing
Notice****FILED**

09-17-2024

Clerk of Circuit Court

Waukesha County

2024CV001544

Case No. 2024CV001544

Class Code: Declaratory Judgment

WISCONSIN ELECTIONS COMMISSION
SECOND FLOOR
201 W. WASHINGTON AVENUE
MADISON WI 53703

Case number 2024CV001544 was electronically filed with/converted by the Waukesha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 24dc69

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-548-7525.

PROCESS SERVER

9-20-2024

11:02 AM

DATE / TIME

Waukesha County Circuit Court
Date: September 18, 2024

FILED

09-17-2024

Clerk of Circuit Court
Waukesha County

2024CV001544

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

JANEL BRANDTJEN
N52 W16632 Oak Ridge Trail
Menomonee Falls, WI 53051

Plaintiff,

Case No.: _____

vs

WISCONSIN ELECTION COMMISSION
201 W. Washington Ave, Second Floor
Madison, WI 53703,

Case Code: 30701

and

MEAGAN WOLFE
Wisconsin Election Commission Administrator
201 W. Washington Ave, Second Floor
Madison, WI 53703,

Defendants.

SUMMONS

STATE OF WISCONSIN:

To the above-named Defendants:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written Answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is: Clerk of Circuit Court, Monica Paz, Waukesha County Courthouse, 515 W.

Moreland Boulevard, Waukesha, Wisconsin 53188, and to Plaintiff's attorneys, whose address is The Law Office of Kevin M. Scott LLC, 2665 S. Moorland Road, Suite 200, New Berlin, Wisconsin 53151. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

If you require assistance or auxiliary aids or services because of a disability, call 608-266-4311 (TDD 608-266-4625), and ask for the Court ADA Coordinator.

Dated at New Berlin, Wisconsin, this 17th day of September, 2024.

Electronically signed by Kevin M. Scott, Esq.

Kevin M. Scott (SBN 1036825)

THE LAW OFFICE OF KEVIN M. SCOTT LLC

2665 S. Moorland Road

Suite 200

New Berlin, WI 53151

Telephone: (414) 899-8273

Facsimile: (262) 785-1729

Email: kevin@kevinscottlaw.com

FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

JANEL BRANDTJEN,

Plaintiff,

Case No.: _____

vs

WISCONSIN ELECTION COMMISSION, et al.,

Case Code: 30701

Defendants.

COMPLAINT

COMES NOW, Plaintiff Janel Brandtjen and for a Complaint against Defendants, the Wisconsin Election Commission and Meagan Wolfe in her capacity as the Administrator for the Wisconsin Election Commissions, alleges as follows:

Parties, Venue, and Jurisdiction

1. Plaintiff Janel Brandtjen is an adult resident, taxpayer, and registered elector of the state of Wisconsin who resides at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.
2. Defendant, the Wisconsin Election Commission ("WEC") is an independent agency created under Subchapter III of Wisconsin Statutes Chapter 15 and under Wis. Stat. § 5.05 and is charged with responsibility for the administration of Chapters 5 through 10 and 12 of the Wisconsin Statutes. WEC has its offices and principal place of business at 201 W. Washington Ave, 2nd Floor, Madison, WI 53703.
3. Defendant, Meagan Wolfe, is the Administrator of WEC and the "chief election officer" of the state as that term is used for purposes of Wisconsin statutory law.
4. This court has jurisdiction over this matter pursuant to Wis. Stat. § 806.04.
5. Venue is proper in this court pursuant to Wis. Stat. § 801.50(3)(a).

The Applicable Statutory and Constitutional Framework

The Electors

6. Wis. Stat. § 6.36 (1)(a) requires WEC to compile and maintain an official registration list containing the names and addresses of each registered elector in the state, along with the elector's date of birth, driver's license number, address, portions of the elector's social security number, the date of any election in which the elector voted, and other personal, sensitive information about the elector.

7. Pursuant to Wis. Stat. § 6.36 (1)(ae) the Wisconsin legislature has directed the chief election officer to "enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of maintaining the official registration list under this section." As a condition of doing so, the chief election officer "shall ensure that the agreement satisfies all of the following conditions:

a. It safeguards the confidentiality of information or data in the registration list that may be subject to transfer under the agreement and to which access is restricted under par. (b) 1. a.

b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd- party vendor and it prohibits any other action not associated with administration of or compliance with the agreement."

8. Wis. Stat. § 6.36 (1)(b) 1 a. mandates that, except as provided in subparagraph (ae) or other enumerated exceptions not relevant to this complaint, "no person other than an employee of the commission, and county clerk, a deputy county clerk, and executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, and

executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, operator's license number, or social security account number of an elector, the address of an elector to whom and identification serial number is issued under s. 6.47 (3), or any indication of an accommodation required under s 5.25 (4)(a) to permit voting by an elector."

Wisconsin Public Records Access

9. Wis. Stat. § 19.31 declares the policy of the state to provide open access to public records to the state's electorate. In this regard, the Wisconsin legislature has recognized that "a representative government is dependent upon an informed electorate" and has "declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information." To this end, the legislature has also declared that Wisconsin's public records access laws "shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."

10. Wis. Stat. §§ 19.31 et. seq. sets forth the legislatively mandated procedures and considerations for Wisconsin citizens to obtain access to records in the possession of state agencies.

11. Wis. Stat. § 19.35 (1)(a) provides that “any requester has a right to inspect any record” subject to legal exceptions.

12. Wis. Stat. § 19.35 (4)(a) provides that “Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefore.”

13. Wis. Stat. § 19.36 (6) provides that where a public record contains disclosable information and information that is not subject to disclosure, “the authority having custody of the record shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.”

Wisconsin Constitution, Article III- Suffrage

14. In 2024, the citizens of Wisconsin passed a referendum involving an amendment to Article III of the Wisconsin Constitution concerning non-governmental funding and support for state elections.

15. This amendment came in the wake of the 2020 election, in which cities across Wisconsin accepted private grants and other privately funded services to assist with election administration.

16. The funding for significant portions of these private grants came from donations made by Mark Zuckerberg and his wife, Pricilla Chan, to intermediary, non-governmental organizations totaling more than \$419 million. These funds were then distributed to cities and locales across the country. **Exhibit 1-** Emily Lau, “Explainer: Proposed Wisconsin Constitutional Amendments on Election Administration,” March 2024.

17. One of the organizations distributing these grants to various cities and locales was the Center for Election Innovation & Research (CEIR). **Exhibit 2-** “The Center for Election Innovation & Research 2020 Voter Education Grant Program,” March 26, 2021.

18. Post-election research indicates that more than \$10 million in funding from Zuckerberg and Chan reached into 39 of Wisconsin’s 72 counties, and 216 municipalities overall, during the 2020 election cycle. More than 80% of this private funding went to urban population centers with heavily lopsided voting demographics including Milwaukee, Madison, Green Bay, Kenosha, and Racine. **Exhibit 3-** Jonathan Bain, “The Wisconsin ‘Zuckerbucks’ Problem: New Data Reveals Private Funding of Election Offices Was More Widespread Than Initially Estimated,” July 13, 2022.

19. The passage of the amendment to Article III followed complaints filed by Wisconsin voters with WEC concerning these private grants, and subsequent legislative battles in Wisconsin in the years following the 2020 election, over the practice of private funding and involvement in elections. See Exhibit 1.

20. Article III, Section 7 of the Wisconsin Constitution now mandates that “No state agency or officer or employee in state government and no political subdivision of the state or officer or employee of a political subdivision may apply for, accept, expend, or use any moneys or equipment in connection with the conduct of any primary, election, or referendum if the moneys or equipment are donated or granted by an individual or nongovernmental entity.”

21. Article III, Section 7 of the Wisconsin Constitution also mandates that “No individual other than an election official designated by law may perform any task in the conduct of any primary, election, or referendum.”

22. The Wisconsin Attorney General, Josh Kaul, issued an advisory opinion on June 25, 2024, in which he interpreted the meaning of portions of Article III, Section 7 of the Wisconsin Constitution. **Exhibit 4-** June 25, 2024 State of Wisconsin, Department of Justice letter to Carlos A. Pabellon.

23. WEC has formally agreed with the Attorney General’s advisory opinion and, on August 1, 2024, issued additional guidance on its website concerning these changes to the Wisconsin Constitution. According to WEC, “if there is a task in the conduct (administration) of any primary, election, or referendum, it must be performed by an election official. A non-election official may not perform substantive tasks in the conduct of any primary, election, or referendum.” (Emphasis added). **Exhibit 5-** Wisconsin Elections Commission, “Application and Interpretation of Wis. Const. art. III, § 7(2),” August 1, 2024.

24. WEC’s guidance quotes the Attorney General’s advisory opinion at length, including the Attorney General’s determination on the distinction between an “election official” and a “non-election official” for purposes of Article III, Section 7:

Election official: This term has the same meaning in Subsection 2 as it has in Wis. Stat. 5.02 (4c). That provision states, ‘Election official’ means an individual who is charged with any duties relating to the conduct of an election.

*

*

*

Non-Election Official: A person who assists or performs duties that may be adjacent to the conduct of an election, but do not relate to administration of any task in the conduct of a primary, election, or referendum. Practically speaking, a non-election official is a person who is not directly performing

duties related to candidate registration or filling officer duties, ballot access challenge or other election complaint processes, voter registration, special voting deputy activities, ballot processing, vote tabulation, or canvassing.

Exhibit 5 (Emphases added).

Background Facts Concerning WEC's Statutory and Constitutional Violations

The Electronic Registration Information Center, Inc.

25. The Electronic Registration Information Center, Inc. (ERIC) is a private, non-profit organization. It was founded in 2012 by David Becker, a former litigation attorney with the U.S. Department of Justice who later went on to become a director of People for the American Way, an organization that represents itself as a partisan, progressive advocacy group. **Exhibit 6-** Verity Vote, "Threats to Election Integrity ERIC-CEIR-REVERE," July 1, 2022.

26. ERIC has approximately three employees. It has no office space as its limited staff all work remotely. Its official address is a mailing address only. **Exhibit 6.**

27. According to an open letter published by ERIC's executive director on its website, ERIC analyzes "voter registration and motor vehicle department data, provided by our members through secure channels, along with federal death data and change of address data, in order to provide our members with various reports. They use these reports to update their voter rolls, remove ineligible voters, investigate potential illegal voting, or provide voter registration information to individuals who may be eligible to vote." **Exhibit 7-** "An Open Letter from ERIC's Executive Director," March 2, 2023.

28. According to ERIC's website, at least every 60 days, each member state submits voter registration data and licensing data from motor vehicle departments to

ERIC. From this data, and data from other sources, ERIC creates various reports for member states including the following:

- A. Cross-State Movers Report identifying voters moving to new states
- B. In-State Movers Report identifying voters moving with the state
- C. Duplicate Report identifying duplicate voter registrations
- D. Deceased Report identifying deceased voters
- E. Eligible but Unregistered Voters Report
- F. National Change of Address Report
- G. Voter Participation Report

29. According to its website, ERIC requires member states to “use the list maintenance reports to assist in maintaining accurate voter rolls. They must use the Eligible but Unregistered Reports to provide basic voter registration information to unregistered individuals, including the legal requirements to register.”

WEC and ERIC

30. Despite the legislature’s mandate under Wis. Stat. § 6.36 to “enter into a membership agreement with ERIC for the purpose of maintaining the official registration list” that “safeguards the confidentiality of information or data in the registration list that may be subject to transfer” and “prohibits the sale or distribution of the information or data in the registration list to a 3rd- party vendor,” WEC has never entered into an agreement with ERIC.

31. In response to a request for admission in the matter of Scott Sidney v. Wisconsin Election Commission and Meagan Wolfe, Case No. 22-CV-300 in the Circuit Court of Ozaukee County (the “Sidney Lawsuit”), WEC and Meagan Wolfe, WEC’s

administrator, took the position that the “chief election officer” under Wis. Stat. 6.36 (1)(ae)1 has “entered into such an agreement as required by Wis. Stat. 6.36 (1)(ae)1.” The Wisconsin Attorney General represented the Defendants in that action. **Exhibit 8-** Defendants’ Response to Plaintiff’s First Set of Discovery Devices, Response to Request for Admission No. 46- Scott Sidney v. Wisconsin Election Commission and Megan Wolfe, as Administrator of the Wisconsin Elections Commission, Case No. 22-CV-300.

32. Despite the request for admission response noted above, the Defendants in the Sidney Lawsuit never produced any agreement between WEC and ERIC. Rather, they only produced an agreement between the separate, and now abolished, Wisconsin Government Accountability Board (GAB) and ERIC (the “GAB Agreement”). **Exhibit 9-** Electronic Registration Information Center, Inc. Membership Agreement.

33. The GAB Agreement was signed on May 17, 2016 by Kevin Kennedy, the former Director and General Counsel for the GAB. Kennedy resigned prior to the dissolution of the GAB and had no position whatsoever with WEC. **Exhibit 9.**

34. Kennedy never had authority to enter into the GAB Agreement on behalf of GAB.

35. Kennedy was not the Chief Elections Officer of the state when he signed the GAB Agreement.

36. Whether or not Kennedy had any authority to enter into the GAB Agreement, it does not bind or apply in any way to WEC.

37. WEC did not formally commence official operation until June 30, 2016, roughly a month and a half after Kevin Kennedy signed the agreement between ERIC and the GAB.

38. WEC is not an extension of the GAB, but a new creation by the Wisconsin legislature with a governing structure completely different than the GAB.

39. Plaintiff is unaware of any written agreement that exists between WEC and ERIC.

40. The GAB Agreement is presently the only agreement between a Wisconsin governmental agency and ERIC.

41. Notwithstanding the absence of any written agreement between WEC and ERIC, WEC continues to coordinate with and utilize ERIC in conjunction with its election-related activities pursuant to the terms of the GAB agreement, and the administrator of WEC, Meagan Wolfe, serves on the ERIC board of directors.

42. In this regard, WEC pays membership dues and regularly transmits to ERIC sensitive voter registration data and motor vehicle records including: 1) inactive and active voter files; and 2) all licensing or identification records contained in the Wisconsin motor vehicle database.

43. Based upon the content of the GAB Agreement, the files transferred by WEC to ERIC contain the following information fields:

- A) All name fields
- B) All address fields
- C) Driver's license or state ID number
- D) Last four digits of Social Security number
- E) Date of birth
- F) Activity dates as defined by the [ERIC] Board of Directors
- G) Current record status

- H) Affirmative documentation of citizenship
- I) Title/type of citizenship documentation presented
- J) Phone number
- K) Email address or other electronic contact method.

Exhibit 9.

ERIC's Data Sharing with Third Parties

44. WEC is currently unlawfully sharing restricted voter data with ERIC.
45. Contrary to the Wisconsin legislature's mandate in Wis. Stat. § 6.36 that the state's Chief Elections Officer enter into an agreement with ERIC that safeguards "the confidentiality of information or data in the registration list" and prohibits "the sale or distribution of the information or data in the registration list to a 3rd- party vendor," no such agreement exists.
46. Based upon the language of the GAB Agreement and other publicly available information, WEC's use of and information sharing with ERIC expressly contemplates that ERIC will share restricted voter data with third-party vendors in direct violation of the requirements of Wis. Stat. § 6.36.
47. For example, the GAB Agreement expressly references the transmission of sensitive, member-state data, including voter registration and motor vehicle operator data, to ERIC's "agents, contractors, or subcontractors." **Exhibit 9.**
48. Upon information and belief, given ERIC's limited staff of no more than three employees, ERIC depends upon the use of "agents, contractors, or subcontractors" to prepare the various reports and information it supplies to WEC and other member states

from this sensitive and restricted data for purposes of voter registration list maintenance and other voter registration related activities.

49. The sharing of this data with these third parties violates the express terms and conditions of Wis. Stat. § 6.36.

50. Upon information and belief, one of these “agents, contractors, or subcontractors” ERIC shares voter registration and motor vehicle operator information with is CEIR, the same non-governmental entity that distributed portions of the \$419 million in grant funding donated by Mark Zuckerberg and Pricilla Chan during the 2020 election cycle that eventually led to the passage of Article III, Section 7 of the Wisconsin Constitution.

51. David Becker, the founder of ERIC, also founded CEIR in 2016. **Exhibit 6.**

52. Publicly available records demonstrate that ERIC has shared member state data previously with CEIR.

53. One example of such data sharing involved what ERIC and CEIR refer to “EBU Outreach.” As part of this proposed data sharing arrangement, member states would receive Eligible But Unregistered (EBU) Report lists from ERIC, which would then be internally processed by state election officials. The ERIC member state would then upload the processed EBU list to ERIC’s server site, after which ERIC would transfer the EBU list data to CEIR for further processing. CEIR would then return the newly processed list to ERIC for transfer back to the member state. **Exhibit 10-** CEIR EBU Outreach email string.

54. In a separate, publicly-available email document, ERIC’s executive director, Shane Hamlin, advised a member state representative that CEIR signed a non-disclosure

agreement with ERIC “for the purpose of assisting ERIC and ERIC members with independent research of ERIC’s effectiveness.” Hamlin further advised the member state representative that its data “should be provided to CEIR via ERIC’s secure FTP server. Member states should not transfer data directly to CEIR.” In a follow up email, Hamlin copied others “to ask them to summarize the steps for getting data to CEIR.” **Exhibit 11-** ERIC EBU Follow-Up email string.

55. It also appears that WEC has established some level of direct relationship with CEIR. For example, on February 2, 2020 CEIR’s founder and executive director, David Becker, sent an email to WEC’s administrator, Defendant Meagan Wolfe, and dozens of other senior election officials with the subject “Super Bowl plans” regarding what appears to be a social gathering immediately following the National Association of State Election Directors winter conference in Washington, D.C. **Exhibit 6.**

56. The EBU Reports prepared by ERIC and CEIR as discussed above are of particular concern given their potential for abuse.

57. EBU Reports are to be used by WEC and other state election agencies for the purpose of unregistered voter outreach in order to encourage additional, qualified electors to register to vote.

58. Pursuant to Article III, Section 1 of the Wisconsin Constitution, an elector is defined as a “United States citizen age 18 or older who is a resident of an election district in this state....”

59. As is apparent from the data gathered by ERIC and used by CEIR, one component for the assembly of these EBU Reports is motor vehicle operator data supplied by the state.

60. In 2024, the state of Wisconsin reported that nearly 300,000 residents of Wisconsin who are not U.S. citizens possess driver's licenses or photo ID cards issued by the state. **Exhibit 12-** Steven Potter, Frederica Freyberg, "How Often Do Non-US Citizens Vote in Wisconsin Elections," April 12, 2024.

61. To the extent EBU Reports generated by ERIC and CEIR use motor vehicle operator or ID data from the state that includes non-citizens, these EBU Reports may result in subsequent voter registration outreach activities by WEC that violate Wisconsin law and Wisconsin Constitutional requirements by encouraging non-citizens to register, and could lead to voting by non-citizens who are otherwise prohibited from doing so.

62. According to WEC website, voter registration requires the registrant to supply a Wisconsin driver's license or ID card and a "Proof of Residence Document" that "proves where you live in Wisconsin."

63. As WEC itself has confirmed, "There is no mechanism available to conduct real-time checks on a voter's citizenship status. No state or federal law requires WEC or clerks to verify a voter's citizenship status." **Exhibit 12.**

64. Notwithstanding consistent public commentary to the contrary, substantial evidence exists to demonstrate that non-citizens do register to vote in substantial numbers. Just prior to the 2020 general election, Pennsylvania alleged that over 11,000 non-citizens registered to vote in its state alone. **Exhibit 13-** Rowan Scarborough, Stephen Dinan, "Pennsylvania Admits to 11,000 Noncitizens Registered to Vote," January, 30, 2019.

65. This figure is consistent with a study conducted in 2014 which found that approximately 25% of non-citizens were likely registered to vote, and another study in

2024 that provided a range of voter registration rates for non-citizens of 10% to 27%.

Exhibit 14- Jesse T. Richman, Glushan A. Chattha, David C. Earnest, “Do Non-citizens Vote in U.S. Elections?” September 21, 2014; **Exhibit 15-** James D. Agresti, “Study: 10% to 27% of Non-Citizens Are Illegally Registered to Vote,” May 13, 2024.

The ERIC agreement and Public Records Requests

66. One of the features of the GAB Agreement is its requirement that Wisconsin officials avoid public records disclosures unless ordered to make them by an appropriate court.

67. The GAB Agreement includes the following provision:

The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should the Member receive a request to disclose ERIC Data and determine that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order requiring it to do so, a copy of which shall be provided to ERIC.

Exhibit 9 (Emphasis added).

Constitutional Issues Implicated by WEC's Use of ERIC

68. By statute, the Wisconsin legislature mandated in 2016 that WEC use ERIC “for the purpose of maintaining the official registration list” for voters in Wisconsin.

69. WEC uses ERIC for the purpose of assisting with voter registration activities for state and federal elections in Wisconsin and “for the purpose of maintaining the official registration list” of voters in Wisconsin.

70. Through WEC, ERIC accesses and uses Wisconsin voter registration, motor vehicle operator, and other state and federal data concerning potentially eligible voters in order to generate reports of individuals located within or outside Wisconsin for the purpose of WEC's voter registration activities.

71. Upon information and belief, ERIC shares this voter registration and motor vehicle operator data with CEIR who assists with the preparation of ERIC's reports. ERIC may also share this voter registration and motor vehicle operator data with other third parties.

72. WEC's sharing of voter registration, motor vehicle operator, and other data with ERIC for it to generate reports for WEC's voter registration activities and maintenance of the official voter registration list is improper in that ERIC is not an "election official designated by law" within the meaning of Article III, Section 7 of the Wisconsin Constitution.

73. CEIR likewise is not an "election official designated by law" within the meaning of Article III, Section 7 of the Wisconsin Constitution.

74. To the extent other third parties with whom ERIC shares voter registration and motor vehicle operator data also assist ERIC, these third parties are not "election officials designated by law" within the meaning of Article III, Section 7 of the Wisconsin Constitution.

75. ERIC's assistance (and that of other third parties including CEIR) with voter registration activities and work with WEC "for the purpose of maintaining the official registration list" of voters under Wis. Stat. § 6.36 constitute performing a "task in the conduct of any primary, election, or referendum" within the meaning of Article III, Section 7 of the Wisconsin Constitution.

76. Based upon its tax return for 2022, CEIR is a non-profit organization that received nearly \$85 million in "gifts, grants, and contributions" between 2018 and 2022.

These gifts, grants, and contributions are the funding source by which CEIR runs its operations. **Exhibit 17-** CEIR tax return for 2022.

77. Upon information and belief, WEC is receiving reports that include work performed by CEIR paid for by money that originated as a private donation or grant to CEIR. Alternatively, CEIR provides services funded by sources other than WEC or ERIC that ERIC uses to provide reports to WEC for purposes of its voter registration activities.

78. By employing ERIC, who relies upon CEIR, for purposes of preparing reports to assist with voter registration and for “the purpose of maintaining the official voter registration list” as mandated by the Wisconsin legislature, WEC is accepting or using moneys or equipment “in connection with the conduct of any primary, election, or referendum... donated or granted by an individual or nongovernmental entity” in violation of Article III, Section 7 of the Wisconsin Constitution.

Count I- Declaratory Judgment as to Wis. Stat. § 6.36

79. Plaintiff incorporates by reference each of the preceding numbered paragraphs as if set forth fully herein.

80. Plaintiff seeks a declaratory judgment against Defendants regarding the proper construction of Wis. Stat. § 6.36 concerning the GAB Agreement, WEC's relationship and interactions with ERIC, and WEC's sharing of confidential and/or restricted data that may be subject to transfer to ERIC.

81. WEC and its Administrator have not executed a valid contract with ERIC.

82. The GAB Agreement under which WEC appears to be presently operating expressly contemplates the sharing of Wisconsin's voter registration list data and motor vehicle operator data with third parties.

83. Upon information and belief, ERIC has shared Wisconsin voter registration data and motor vehicle operator data with third parties, including CEIR.

84. Wisconsin Voter registration data in ERIC's possession may also have been transmitted to other third parties.

85. ERIC relies upon and shares member data with third parties to provide the reports and other services it gives to WEC and therefore cannot assist WEC with "maintaining the official registration list" under Wis. Stat. § 6.36 without violating the legislatively imposed conditions prohibiting such data sharing.

86. WEC is presently in violation of Wis. Stat. § 6.36 in that it has failed to enter into an agreement with ERIC that safeguards "the confidentiality of information or data in the registration list" and prohibits "the sale or distribution of the information or data in the registration list to a 3rd- party vendor" as required by the Wisconsin legislature.

87. WEC is presently in violation of Wis. Stat. § 6.36 in that it has provided restricted information to ERIC that it knows ERIC will share with persons "other than an employee of the commission, and county clerk, a deputy county clerk, and executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, and executive director of a city board of election commissioners, or a deputy designated by the executive director" as mandated by § 6.36.

88. To the extent that WEC is operating under the GAB Agreement, that agreement is illegal in that it does not satisfy the requirements of Wis. Stat. § 6.36, and is therefore void.

89. Plaintiff is harmed as her confidential, restricted, voter registration and motor vehicle operator information has not been safeguarded as mandated by the Wisconsin legislature and is in the possession of unauthorized third parties.

90. Plaintiff is harmed in that she is entitled to have the elections in which she participates administered properly under existing law, and the voter registration process in Wisconsin is being conducted in a manner other than as prescribed by the Wisconsin legislature, creating doubts about election fairness and eroding confidence in the electoral process.

91. Plaintiff is harmed as a taxpayer in that WEC expends state resources on dues for membership in ERIC, and those resources are being used in a manner that has not been authorized by the Wisconsin legislature and is unconstitutional.

92. Plaintiff is entitled to a declaratory judgment that: A) finds WEC and its Administrator to be in violation of the statutory scheme governing its use of ERIC; B) prohibits WEC from transmitting additional voter registration and/or motor vehicle operator information to ERIC; C) prohibits WEC from continuing to utilize ERIC for voter registration or other activities in the conduct of any primary, election, or referendum; and D) mandates that WEC retrieve from ERIC, CEIR and any other applicable third parties all Wisconsin voter registration and motor vehicle operator information in their possession.

WHEREFORE, Plaintiff demands declaratory judgment as follows:

A) finding WEC and its Administrator to be in violation of the statutory scheme governing its use of ERIC;

B) granting a permanent injunction prohibiting WEC from transmitting additional voter registration, motor vehicle operator, or other sensitive information to ERIC;

C) granting a permanent injunction prohibiting WEC from continuing to utilize ERIC for voter registration or other activities in the conduct of any primary, election, or referendum;

D) ordering WEC to retrieve from ERIC, CEIR and any other applicable third parties all Wisconsin voter registration, motor vehicle operator, or other restricted information in their possession; and

E) such equitable and other relief as the Court deems just and proper.

Count II- Declaratory Judgment as to Wis. Stat. §§ 19.31 et. seq.

93. Plaintiff incorporates by reference each of the preceding numbered paragraphs as if set forth fully herein.

94. Plaintiff seeks a declaratory judgment against Defendants regarding the proper construction of Wis. Stat. §§ 19.31 et. seq., the terms of the GAB Agreement under which WEC is apparently operating, and WEC's compliance with Wisconsin law concerning the disclosure of records in its possession.

95. Plaintiff seeks a declaratory judgment against Defendants regarding the propriety of the GAB Agreement, under which WEC is apparently operating, which requires WEC obtain a court order compelling the production of records that should otherwise be disclosed pursuant to Wisconsin law.

96. Plaintiff seeks a declaratory judgment against Defendants regarding the infringement of their rights under Wis. Stat. §§ 19.31 et. seq.

97. The Wisconsin legislature has mandated in Wis. Stat. §19.31 “the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.”

98. To this end, the Wisconsin legislature has provided a statutory scheme providing for citizens to have access to the public records of all state agencies and bodies pursuant to Wis. Stat. §§19.31 et. seq.

99. The GAB Agreement violates Wisconsin statutory law as it relates to the ability of Wisconsin citizens to access public records.

100. Specifically, the GAB Agreement expressly states, “Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.”

Exhibit 9 (Emphasis added).

101. The requirements set forth in the GAB Agreement as quoted above are in direct conflict with Wisconsin law as it relates to citizens' rights to obtain access to records in the possession and control of state agencies and bodies.

102. The GAB Agreement is illegal in that it is not in compliance with Wis. Stat. §§ 19.31 et. seq., and is therefore void.

103. Plaintiff is harmed as a citizen of Wisconsin in that her rights to have access to public records in the possession of WEC concerning ERIC are impeded; restricted, and/or prohibited without first obtaining a court order compelling the production of such records.

104. Plaintiff is harmed as a citizen of Wisconsin in that her rights to have access to public records in the possession of WEC have been restricted by an agreement between a non-governmental entity and the GAB, which is being followed by WEC, to circumvent the public records access laws enacted by the Wisconsin legislature.

105. Plaintiff is harmed as a citizen and taxpayer of Wisconsin in that she is entitled to have public agencies within the state provide access to their records solely under the terms and conditions of existing law as directed by the Wisconsin legislature.

106. Plaintiff is harmed as a citizen and taxpayer of Wisconsin in that WEC appears to be following a contract that requires it to expend state resources on blocking access to ERIC records in the possession of WEC and forcing those seeking access to such records to pursue court orders compelling their production in a manner that is inconsistent with the statutory scheme prescribed by the Wisconsin legislature for access to these records.

107. Plaintiff is entitled to a declaratory judgment that: A) finds WEC and its Administrator to be in violation of the statutory scheme governing its disclosure of records relating to ERIC; B) requires WEC to produce such records in accordance with the terms and conditions of Wisconsin law governing access to public records; C) prohibits WEC from complying with any terms of the agreement GAB entered into with ERIC that mandates a court order prior to the production of public records to Wisconsin citizens; and D) mandates that WEC no longer abide by the terms and conditions of the GAB Agreement as that agreement violates existing Wisconsin law.

WHEREFORE, Plaintiff demands declaratory judgment as follows:

A) finding WEC and its Administrator to be in violation of the statutory scheme governing its production of records to Wisconsin citizens;

B) granting a permanent injunction that WEC is prohibited from operating under the terms of the GAB Agreement because the agreement does not comply with existing Wisconsin law concerning access to public records;

C) granting a permanent injunction that WEC is prohibited from forcing citizens to obtain court orders so as to gain access to records in WEC's possession;

D) such equitable and other relief as the Court deems just and proper

Count III- Declaratory Judgment as to Article III, Section 7 of the Wisconsin

Constitution

108. Plaintiff incorporates by reference each of the preceding numbered paragraphs as if set forth fully herein.

109. Plaintiff seeks a declaratory judgment against Defendants regarding the constitutionality of Wis. Stat. § 6.36 (1)(ae)1.

110. Wis. Stat. §6.36, which was last amended in 2017, requires, in part, that the chief election officer “enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of maintaining the official registration list under this section.”

111. By referendum, the citizens of Wisconsin amended the state's Constitution in 2024. That amendment resulted in Article III, Section 7 of the Wisconsin Constitution which now provides that: “1) No state agency... may apply for, accept, expend, or use any moneys or equipment in connection with the conduct of any primary, election, or referendum if the moneys or equipment are donated or granted by an individual or

nongovernmental entity[.]” and “2) No individual other than an election official designated by law may perform any task in the conduct of any primary, election, or referendum.”

112. One of the tasks required to be performed in the conduct of any primary, election, or referendum is voter registration, including the maintenance of the official voter registration list of Wisconsin voters.

113. The statutory scheme set forth in Wis. Stat. § 6.36 (1)(ae) 1 violates Article III, Section 7 of the Wisconsin Constitution in that it requires WEC to work with ERIC “for the purpose of maintaining the official registration list” of voters in Wisconsin. As such, § 6.36 (1)(ae) 1 mandates that someone “other than an election official designated by law” perform tasks in the conduct of a primary, election, or referendum.

114. ERIC’s work with WEC in providing reports to assist WEC with voter registration activities and for the purpose of “maintaining the official registration list” of voters in Wisconsin violates Article III, Section 7 of the Wisconsin Constitution in that it mandates that someone “other than an election official designated by law” perform tasks in the conduct of a primary, election, or referendum.

115. Upon information and belief, in addition to the assistance it provides to WEC directly, ERIC uses CEIR, and possibly other third parties, to assist it in providing reports for WEC as part of WEC’s voter registration activities. CEIR’s involvement, and that of any other third parties, in WEC’s voter registration and voter list maintenance activities also violates Article III, Section 7 of the Wisconsin Constitution in that CEIR and any other third parties assisting ERIC are not “an election official designated by law” and because CEIR is a non-governmental entity funded through private donations.

116. Plaintiff is entitled to a declaratory judgment that: A) finds Wis. Stat. § 6.36 (1)(ae)1 to be unconstitutional pursuant to Art. III, Section 7 of the Wisconsin Constitution; B) prohibits WEC from continuing to utilize ERIC for voter registration or other activities in the conduct of any primary, election, or referendum; and C) mandates that WEC retrieve from ERIC, CEIR and any other applicable third parties all Wisconsin voter registration and motor vehicle operator information in their possession.

WHEREFORE, Plaintiff demands declaratory judgment as follows:

A) finding Wis. Stat. § 6.36 (1)(ae)1 to be unconstitutional pursuant to Art. III, Section 7 of the Wisconsin Constitution;

B) granting a permanent injunction that WEC is prohibited from transmitting additional voter registration, motor vehicle operator, or other sensitive information to ERIC;

C) granting a permanent injunction that WEC is prohibited from continuing to utilize ERIC for voter registration or other activities in the conduct of any primary, election, or referendum;

D) ordering WEC to retrieve from ERIC, CEIR and any other applicable third parties all Wisconsin voter registration, motor vehicle operator, and other restricted information in their possession; and

E) such equitable and other relief as the Court deems just and proper.

Dated at New Berlin, Wisconsin, this 17th day of September, 2024.

Electronically signed by Kevin M. Scott, Esq.

Kevin M. Scott (SBN 1036825)

THE LAW OFFICE OF KEVIN M. SCOTT LLC

2665 S. Moorland Road

Suite 200

New Berlin, WI 53151

Telephone: (414) 899-8273

Facsimile: (262) 785-1729

Email: kevin@kevinscottlaw.com

Of Counsel:

Fred A. Mendicino, Esq.

Faughnan Mendicino, PLLC

21355 Ridgetop Circle, Suite 110

Dulles, VA. 20166

Telephone: (571) 434-7590

Facsimile: (571) 434-9006

Email: mendicino@fm-lawfirm.com



State Democracy Research Initiative

UNIVERSITY OF WISCONSIN LAW SCHOOL

Explainer: Proposed Wisconsin Constitutional Amendments on Election Administration

Emily Lau, Staff Attorney
Published: March 2024

This April, Wisconsin voters will be asked to vote on two proposed amendments to the Wisconsin Constitution. To amend the Constitution, legislators in two successive legislative sessions must pass the proposed amendment by majority vote and then present it to the state's voters for ratification or rejection, also by majority vote.

The two proposed amendments on the April 2, 2024, ballot were introduced in the wake of the 2020 election, when cities across Wisconsin—but most prominently Milwaukee, Madison, Green Bay, Kenosha, and Racine—accepted private grants and consultation services to assist with election administration. The first proposed amendment would prohibit state and local governments from seeking, accepting, or using privately donated money or equipment to conduct elections. The second would prohibit any “individual other than an election official designated by law” from performing “any task in the conduct of any primary, election, or referendum.”

Proponents of these amendments contend that they will help improve the integrity of election administration by shielding election officials from undue outside influences. Opponents respond that private resources are sometimes vital because the nation's election system has been chronically underfunded. These proposals, they observe, would prohibit private support without guaranteeing sufficient public funding to enable officials to administer safe and secure elections. As opponents see it, proponents' concerns about private grants are overstated and do not justify changing the Wisconsin Constitution—the state's fundamental law. Opponents also worry that the amendments are ambiguously worded, which could result in unintended consequences. This Explainer breaks down the backstory, proposed text, and policy arguments regarding each amendment.

The Backstory: Private Election Assistance in 2020

Elections across the country are "chronically and, in some cases, hazardously underfunded." This is not a new phenomenon: Insufficient funding has contributed to many of the controversies and crises that have plagued U.S. elections in recent decades. The inability to replace old voting machines, for example, can wreak election day havoc and contribute to election distrust, and resource constraints can hinder efforts to improve physical and cyber election security. In addition, the limited funds available for election administration are sometimes inequitably distributed, which can disproportionately expose certain populations to burdens and even disenfranchisement. In 2020, faced with the unique challenges involved in administering an election during a pandemic, thousands of underfunded elections agencies, across nearly every state, accepted private grants to help run their elections.

Although Congress included election funding in the CARES Act to address pandemic-related challenges, experts warned that the \$400 million set aside for election grants would not be enough. One prominent study estimated that states would need a collective \$2 billion to safely conduct federal elections during the pandemic. In light of this shortfall, a variety of private entities donated goods, services, and money to help meet the needs of states and localities. For example, professional sports teams made their stadiums and arenas available to election officials as polling locations and businesses donated masks for poll workers. Arnold Schwarzenegger donated nearly \$2.5 million to support grants aimed at promoting voting access in states that had historically been subject to preclearance requirements under the Voting Rights Act.

However, media attention, criticism, and legal challenges focused largely on donations made by Facebook-founder Mark Zuckerberg and his wife, Priscilla Chan. Totaling around \$419.5 million, these donations were distributed as grants by two organizations: \$69.5 million by the Center for Election Innovation & Research (CEIR) and \$350 million by the Center for Tech and Civic Life (CTCL). CEIR awarded grants to state election agencies to support voter education efforts, while the CTCL grant program generally aimed to help jurisdictions safely administer election responsibilities during the COVID-19 pandemic. Both organizations awarded grants to every qualifying election office, state, county, and city that applied. In Wisconsin alone, CTCL awarded grants to 216 cities and counties. These CTCL and CEIR grants became known, often by critics, as "Zuck Bucks" or "Zuckerbucks."

In addition to receiving private monetary grants, some counties and cities accepted assistance from non-profit organizations and individuals with expertise in election administration. These outside consultants providing guidance on such matters as poll worker recruitment, drafting absentee voter instructions, and the layout of in-person absentee voting locations. The use of outside election consultants did not escape criticism, with some characterizing it as an effort to "infiltrate" the election.



Despite making grants to states and localities across the political spectrum, CEIR and CTCL both faced allegations of partisan bias. Critics pointed to the large grant awards made to big cities, known to be Democratic strongholds, and to the social media presence and work history of CEIR and CTCL employees. The organizations pushed back, pointing out that their applications did not ask about partisanship, that CEIR awarded the entire amount requested to all states, and that CTCL awarded more grants to localities that voted for Trump in 2016 than those that voted for Clinton. Large, historically Democratic-leaning cities did receive the largest grants, but defenders of these grants reasoned that these cities served larger populations, thus creating greater—and different—need.

These grants generated a variety of legal challenges. Some contended that jurisdictions could not lawfully accept the grants, while others alleged that Zuckerberg, Chan, CEIR, and CTCL violated campaign financing laws.

In Wisconsin, voters filed complaints with the Wisconsin Elections Commission (WEC) against the cities of Green Bay, Madison, Kenosha, Milwaukee, and Racine and their election officials for accepting CTCL grants. Complainants asserted that accepting private grants without preauthorization from the WEC or the Legislature violated both state and federal law. The argument was essentially that state law did not expressly authorize localities to accept private funds to administer elections, and that the U.S. Constitution's Elections Clause, which requires state *legislatures* to regulate the time, place, and manner of federal elections, barred election officials from agreeing to any grant conditions that the legislature had not affirmatively approved. The grant conditions at issue were agreements between the cities and CTCL that specified that the cities would only use the funding for the purposes outlined in the cities' grant applications. Some voters also filed complaints arguing that the grants constituted bribes.

The WEC dismissed these complaints. Among its reasons for rejecting them, the WEC determined that none of the laws it administers prohibited cities or counties from accepting private grants to help run elections.

Separate from these WEC proceedings, voters, legislators, and other public figures also brought lawsuits challenging the CTCL grants in a number of states, including Wisconsin, Michigan, Pennsylvania, and elsewhere. Most of these cases were dismissed after courts concluded that the plaintiffs either lacked standing to litigate or had failed to point to laws prohibiting cities or counties from accepting election administration grants.



Wisconsin Question 1: No Private Funds to Administer Elections Amendment

The first proposed amendment on the April ballot would add language to the Wisconsin Constitution declaring that no state or local agency, officer, or employee "may apply for, accept, expend, or use any moneys or equipment in connection with the conduct of any primary, election, or referendum if the moneys or equipment are donated or granted by an individual or nongovernmental entity."

The legislature pursued this proposed amendment after unsuccessfully seeking to limit private election grants by statute. Specifically, on a party-line vote in 2021, lawmakers passed AB 173, which would have banned the use of private resources for election administration, with an exception for the WEC to accept private funds if distributed to all municipalities on a per capita basis with the approval of the Joint Committee on Finance. Governor Tony Evers vetoed that bill, citing concerns that its restrictions on the use of supplemental, outside funding could prevent local elections officials from accessing resources necessary to effectively administer an election. Unlike statutes, proposed constitutional amendments are not subject to veto by the governor.

This move to ban outside funding of election administration is not unique to Wisconsin. Although Zuckerberg has stated that the 2020 grants were a "one-time donation," and no other major donors have announced plans for future large-scale grants, some lawmakers and citizens remain concerned about the potential influence of private election funders. In total, 27 states have passed laws to address the use of private funding or resources to run elections. At the national level, some members of Congress have also sought to ban the use of private funds for election administration, but no federal legislation has been enacted to date.

At the same time, there have been countervailing efforts to ensure that localities can continue to accept private grants for election administration. In Michigan, voters approved a constitutional amendment in 2022 that, among other provisions, protects the ability of local governments to "accept and use publicly-disclosed charitable donations and in-kind contributions to conduct and administer elections." Supporters of such measures typically say that, while they would prefer for elections to be conducted exclusively with public funds, private funding is a potentially important backstop for local governments when public funding falls short. They express concern that banning private grants, at least without an accompanying guarantee of adequate and consistent public funding, could leave election administrators without the resources to do their jobs effectively. In that vein, even states that have restricted the use of private funding or resources have often included exceptions for common donations, such as private spaces for use as polling locations or food and beverages for poll workers.



Wisconsin Question 2: Only Designated Election Officials to Conduct Elections Amendment

The second proposed amendment on the April ballot would prohibit “any individual other than an election official designated by law from performing any task in the conduct of any primary, election, or referendum.”

The legislative record on this proposed amendment is relatively thin, providing little concrete guidance on the amendment’s intended scope. A few snippets of legislative testimony from supporters of the amendment convey a desire to ban the use of outside elections consultants, like those who advised on election administration in 2020. A description from the Legislative Reference Bureau, however, largely just repeats the proposal’s language, explaining that it would “prohibit[] any individual other than an election official designated by law from performing any task in the conduct of any primary, election, or referendum” and “[p]rohibit[] any individual other than an election official designated by law from performing any task in election administration.”

It is thus unclear whether or how this proposed amendment would change existing law. Notably, Wisconsin already has a statute, pre-dating the 2020 election, that addresses who may conduct elections. Wisconsin Statute § 7.30(2)(a) states: “Only election officials appointed under this section or s. 6.875 may conduct an election.” The legislature relied on this statute in a lawsuit challenging the use of outside election consultants in 2020. Rejecting the legislature’s claim and affirming the WEC’s earlier decision to dismiss a complaint brought against the City of Madison, the Dane County Circuit Court stated: “Certainly, nothing in [existing Wisconsin law] prohibits clerks from using private grant money or working with outside consultants in the performance of their duties.”

Given the similarity between the language of the existing statute and the proposed constitutional amendment, a court could conclude that the amendment, like the statute, does not prohibit local governments from using outside election consultants (at least if those consultants do not directly “conduct” the election). But it is also conceivable that a court could interpret the amendment to bar the use of outside consultants, or perhaps construe it even more broadly. There are many individuals involved with the efficient administration of elections who are not sworn election officials—clerk staff; employees of other municipal agencies, who may help to set up polling places or send out absentee ballots; and vendors, who may be onsite to troubleshoot technological issues or transport voting equipment. If the amendment were interpreted to exclude such actors, or to prohibit other election-related activities undertaken by private volunteers, the ability of election administrators to carry out their responsibilities could be significantly impeded.

In short, were this proposed amendment to pass, uncertainty about its scope could generate confusion and disagreement, which could in turn give rise to litigation.



Conclusion

After the governor vetoed legislation that would have prohibited the use of private funds and personnel in election administration, the legislature proposed adopting those prohibitions as constitutional amendments. In April, Wisconsin voters will have their say. The question, in essence, is whether these are matters of such fundamental importance that they should be enshrined in the Wisconsin Constitution—the state’s foundational law. “Yes” votes on the proposed amendments would add private grant and personnel prohibitions to the Constitution. “No” votes would leave the Wisconsin Constitution unchanged, thus leaving these issues to be addressed primarily through statutory and regulatory decisions, rather than through constitutional law.



FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544



**The Center for Election Innovation & Research
2020 Voter Education Grant Program**

March 26, 2021

In September 2020, the Center for Election Innovation & Research (CEIR) initiated the Voter Education Grant Program to support states' efforts to provide nonpartisan, accurate, and official voting information to the public. Even before the COVID-19 pandemic, the states were in need of this sort of support; the pandemic only served to increase demand as additional, wide-sweeping changes were enacted to address public health and logistical concerns. This grant program was specifically targeted at helping states provide voters information about voting options, polling places and hours, and how to successfully cast their ballot during this year's general election.

Relying upon private philanthropy was never "Plan A." The states had significant needs, as millions of new voters were participating for the first time, and due to the pandemic, millions more were voting using different methods—like voting early or by mail—than ever before. Despite the critical need for more resources, Congress failed to act, providing only a small amount of funds, insufficient to meet the need. In the absence of government action to address the unique demands brought about by the pandemic, philanthropy stepped in, providing desperately needed funds to CEIR, allowing us to regrant those funds to the states for urgent voter education assistance.

CEIR contacted all states (and Washington, DC) and invited them to apply for a grant. Ultimately, 23 states¹ applied for and accepted grant funds. Those states are home to nearly 120 million registered voters. Among the states, there was a fairly even partisan and geographic balance, including states such as Missouri, South Carolina, Washington, and New York. Out of the 23 states that applied for grant funds in September 2020, 11 of the states voted for Donald Trump and 12 of the states voted for Hillary Clinton during the 2016 presidential election. And of those 23 states, seven were led by Republican chief election officials, 10 were led by Democratic election officials, and six were led by non-partisan or bipartisan boards of elections.

States set their own budgets and the amount of funds requested, with the requirement that the funds be used to support nonpartisan voter education. Due to the generous support of Priscilla Chan and Mark Zuckerberg, CEIR awarded every state the entire amount each requested. In total, we provided states nearly \$65 million, which they used to bolster their voter education efforts in a variety of ways.

¹ Originally, 24 states applied. However, Louisiana withdrew its application before we awarded grants.

State	Net Grant Amount
Arizona	\$ 4,788,444
Connecticut	\$ 2,100,000
DC	\$ 811,835
Florida	\$ 287,454
Georgia	\$ 5,591,800
Illinois	\$ 2,762,777
Iowa*	\$ 1,075,000
Kentucky	\$ 1,600,000
Maryland	\$ 575,000
Massachusetts	\$ 200,000
Michigan	\$ 11,939,365
Minnesota*	\$ 1,500,000
Missouri	\$ 1,129,391
New Jersey	\$ 6,180,001
New Mexico*	\$ 768,748
New York*	\$ 5,000,000
North Carolina	\$ 1,141,241
Ohio*	\$ 1,128,090
Pennsylvania*	\$ 13,260,000
Rhode Island*	\$ 632,189
South Carolina	\$ 1,071,797
Vermont	\$ 312,615
Washington	\$ 405,000
Total	\$ 64,260,747

* Final grant amount pending. Any unspent funds are to be returned, reducing the total grant.

The big story of the November 2020 General Election was voter turnout, which surpassed 90 million in grantee states—over 10 million more votes cast than in 2016. Additionally, convenience voting (i.e., voting early or by mail) more than doubled. The significant shift toward mail voting during the pandemic could have led to a major increase in the number of rejected ballots, and in many states' primary elections, that's what happened. Fortunately, due to election officials' efforts to inform voters, rejection rates plummeted for the November general election. On average, grantee states rejected around 70 percent fewer ballots in the general election compared to their primary elections.² North Carolina was immensely successful in driving down rejection rates, with rates dropping from 9.8 percent in the primary to 1.2 percent in the general election. Several states, including Iowa, Kentucky, Maryland, and Rhode Island, cut their rejection rates to 0.2 percent or less in November.

² Rejection rates for both the November 2020 General Election and 2020 primaries were available for 17 grantee states. In states without consolidated primary elections, the presidential preference primary rejection rate was used.

EXHIBIT 2

How States Used CEIR Grant Funds

CEIR encouraged states to apply for funding based on their individual voter education needs and their plans to address the challenges posed by the ongoing pandemic. Grantees were asked to segment their spending into three categories: direct mail outreach, paid media campaigns, and other communication activities.

Most states focused on bolstering their paid media campaigns to quickly communicate with a large number of citizens. Approximately 85 percent of grant funds were used for paid media, followed by 11 percent for direct mail and 4 percent for other communication activities.

Though each state designed a voter education project to meet their specific needs, we saw an overlap in key activities as states faced similar challenges due to the pandemic. Nearly every grantee staged a statewide messaging campaign over a variety of media to inform the public about their voting options during the pandemic. Many states went beyond that to meet the unique needs of their voters, including sending over 26 million mailers and postcards and setting up voter education hotlines to answer questions and provide up-to-date information to voters.

Here are the most common ways states used their grant funds:

Direct Mail	Paid Media	Other Communications
Mailers on absentee guidelines and voter options	TV, Digital, Radio, Social Media, and PSA ads	Establishing and staffing Election/Voter Hotline Centers
Postcards on voter deadlines	Newspaper, Transit, and Billboard ads	Printing voting center signage and health guidelines
Updates on election law changes	Texts and Robocalls	Community outreach materials

The states took full advantage of their grants, helping to ensure that all eligible voters knew how to cast their ballots safely and securely, in an election they could trust. And these efforts were a success. States were faced with a need to recruit thousands of new poll workers, while also preparing for high voter turnout and an unprecedented number of voters voting early or by mail for the first time. The voter education efforts funded by CEIR's grant program helped minimize voter problems amid those challenges.³

³ "Election officials and voting experts attribute the declines to extensive voter education campaigns.... In the weeks following the election, Trump seized on preliminary reports of lower rejection rates in Georgia and Pennsylvania — states he lost. But the AP analysis shows November rejection rates also declined in Florida, North Carolina and Ohio — states Trump won.... Ohio's rejection rate declined from 1.35% in the primary to just 0.42% in November. The state's chief election official, a Republican, credited more user-friendly voting materials and requirements that local election officials call and email voters about ballot problems, rather than just notifying them by mail. Absentee ballots represented 36% of all votes cast. 'All of those things that we did helped to reduce the error rate,' said Secretary of State Frank LaRose. 'And that's a really big success story — that we had massive absentee voting and a tiny number of errors.'" Cassidy, Christina A. "Voter Outreach Led to Big Drop in Rejected Mail Ballots," March 16, 2021. https://www.washingtonpost.com/health/voter-outreach-led-to-big-drop-in-rejected-mail-ballots/2021/03/16/6e733ff6-8665-11eb-be4a-24b89f616f2c_story.html.

Several state highlights and testimonials are included below:

Connecticut

"The CEIR Voter Education Grant allowed us to speak directly to voters, online, on television, and on the radio, about the changes we made to election administration because of COVID-19, including allowing all voters to vote by absentee ballot if they chose to do so. Despite six times the number of absentee voters that we would normally expect, many of them casting absentee ballots for the first time, our rejection rate for absentee ballots was less than 1% - less than half of the rate in 2018! The CEIR grant was critical to ensure that all voters understood how to cast their ballots and make their voices heard." – Connecticut Secretary of the State Denise Merrill

Georgia

Georgia used CEIR grant funds in both the November general election and January runoff election to encourage voters to apply for a ballot online. This approach sped up the process for both voters and election officials while also making it easier to track application status. Georgia also used the funds to counteract disinformation, issuing public service announcements warning voters of disinformation and encouraging them to report fraud to the Secretary of State hotline.

Iowa

"The CEIR funds allowed the Iowa Secretary of State's Office to educate Iowa voters regarding options for voting absentee by mail, absentee in person, and at their polling place on Election Day. In order to reach all Iowans, we used a variety of mediums including social media, newspaper ads, television ads, radio ads and direct mail. Specifically, we were able to send a mailer to every registered voter who did not request an absentee ballot to reassure them that it was safe to vote at their polling place on Election Day." – Iowa Secretary of State Paul Pate

Illinois

"Our CEIR grant allowed us to run an extensive statewide TV and radio ad campaign alerting voters to their options for safe voting during the pandemic, with an emphasis on voting by mail as early as possible and early in-person voting to alleviate Election Day crowding. We believe this effort contributed to record early and mail voting as well as low rejection rates for mail ballots overall." – Illinois State Board of Elections Executive Director Steve Sandvoss

Massachusetts

"Since very few of our voters had experience with voting by mail before 2020, it was crucial that we educate people about their options, the process, and most importantly, the deadlines. The grant money Massachusetts received helped enormously in spreading the word, and it assisted us in setting records for the highest number of votes cast by mail in the Commonwealth and our lowest ever ballot rejection rate." – Massachusetts Secretary of State Bill Galvin

Michigan

In addition to a statewide messaging campaign, Michigan sent out targeted mailings to engage voters. Active registered voters received information about ways to vote, elections deadlines and how to request a mail ballot, and those who had not yet returned their mail ballot received instructions on how to do so. Grant funds also helped communicate changes in election laws to voters.

According to Michigan Secretary of State Jocelyn Benson, the state's low rate of ballot rejection this year was directly attributable to CEIR's voter education grant.

Ohio

"Even in the most challenging of environments, 2020 was Ohio's most successful election ever. A big part of making that happen depended on educating voters about the many options they had to make sure their voice was heard, and the CEIR grant was vital to achieving that mission." – Ohio Secretary of State Frank LaRose

Pennsylvania

Over 2.7 million Pennsylvania voters cast a ballot during the commonwealth's June primary, and around 60,000 of those ballots arrived during the three days after the election. However, due to court challenges in the lead up to the general election, officials didn't know whether they would be allowed to count ballots arriving after November 3. To help ensure all votes would count, Pennsylvania mounted a massive voter information campaign. Ultimately, voters cast over 6.9 million ballots in November, and only about 10,000 arrived after Election Day, a significant reduction from the primary, despite the higher turnout.

South Carolina

In October, voter confusion was a particular challenge in South Carolina. After a lower court removed the state's absentee ballot witness signature requirement, the U.S. Supreme Court reinstituted it just days later. Fortunately, the state was able to leverage CEIR grant funds to provide voters with the correct, up-to-date information needed to successfully cast their absentee ballots. Nearly half of South Carolina's voters cast an absentee ballot last year, and CEIR's grant program helped ensure they were able to do so with minimal difficulty.

Washington

"With an exceptional amount of elections information saturating media markets, social media, and more, the need to overcome mis/disinformation spreading on social media and other platforms was a key concern. The CEIR grant awarded to the Washington Office of the Secretary of State helped tremendously in our pursuit to provide the electorate with timely and accurate information about important registration and voting deadlines, and ballot return methods, for the 2020 General Election." – Washington Secretary of State Kim Wyman

JULY 13, 2022



The Wisconsin “Zuckerbucks” Problem: New Data Reveals Private Funding of Election Offices Was More Widespread Than Initially Estimated

Jonathan Bain

Senior Research Fellow

KEY FINDINGS



**MORE THAN \$10 MILLION IN ZUCKERBUCKS
POURED INTO THE BADGER STATE.**



**ZUCKERBUCKS FLOWED INTO
216 MUNICIPALITIES IN WISCONSIN,
COVERING 39 COUNTIES.**



**THE FIVE MOST POPULOUS CITIES IN
WISCONSIN—MILWAUKEE, MADISON, GREEN
BAY, KENOSHA, AND RACINE—RECEIVED
NEARLY \$8.5 MILLION IN TOTAL.**



**SOME JURISDICTIONS DID NOT
SPEND ANY MONEY ON PERSONAL
PROTECTIVE EQUIPMENT (PPE).**

THE BOTTOM LINE:

**WISCONSIN SHOULD PROHIBIT OUTSIDE
MONEY FROM FINANCING ELECTIONS.**

Overview

During the 2020 presidential election, the Chan Zuckerberg Initiative—led by tech billionaire Mark Zuckerberg and his wife—donated more than \$400 million to local election offices in 47 states under the guise of alleviating the burden of COVID-19-related costs.¹ The bulk of these funds were funneled through the Center for Tech and Civic Life (CTCL), a left-leaning non-profit with significant ties to various progressive groups and the Obama administration.²⁻³

While marketed as “COVID-19 Response Grants,” in many states, these funds (or “Zuckerbucks”) appeared to have little to do with offsetting pandemic-related expenses.⁴ Instead, the infusion of cash went toward boosting Democrat turnout in several swing states.⁵ In fact, grants were disproportionately siphoned to left-leaning jurisdictions.⁶ For example, in Pennsylvania, nine out of every 10 dollars that flowed into the state went to counties that voted for Biden.⁷ And in Georgia, Biden counties got nearly four times more Zuckerbucks per registered voter than Trump counties.⁸

Preliminary data showed that Wisconsin was no exception and that at least \$9 million in Zuckerbucks were poured into the state.⁹ But new data has painted a more complete picture, revealing that Zuckerbucks were an even bigger problem than previously estimated.



NEW DATA HAS PAINTED A MORE COMPLETE PICTURE, REVEALING THAT ZUCKERBUCKS WERE AN EVEN BIGGER PROBLEM THAN PREVIOUSLY ESTIMATED.

New Data Reveals Even More Zuckerbucks in Wisconsin

CTCL's Form 990 revealed that Zuckerbucks were an even greater threat, with more than \$10 million flowing into the Badger State.¹⁰⁻¹¹

**TOTAL
ZUCKERBUCKS**



**2021
\$8,090,500
MILLION**



**2022
\$10,134,740
MILLION**

In fact, Zuckerbucks flowed into 216 municipalities during the 2020 election, covering more than half of the state, with funds pouring into 39 of Wisconsin's 72 counties.¹²

ZUCKERBUCKS POURED INTO WISCONSIN IN 2020

County	Total # of Grants Awarded to Jurisdictions Within the County ¹³	Total Zuckerbucks Awarded to Jurisdictions Within the County	County	Total # of Grants Awarded to Jurisdictions Within the County ¹³	Total Zuckerbucks Awarded to Jurisdictions Within the County
Barron	10	\$55,000	Milwaukee	4	\$3,481,568
Brown	6	\$1,264,691	Monroe	1	\$5,000
Calumet	3	\$15,000	Oconto	5	\$22,213
Clark	2	\$10,000	Outagamie	3	\$28,330
Dane	13	\$1,379,066	Pierce	1	\$7,449
Dodge	2	\$10,000	Polk	4	\$20,000
Douglas	5	\$25,000	Racine	3	\$1,699,100
Eau Claire	2	\$76,000	Richland	2	\$15,000
Fond du Lac	7	\$77,491	Rock	12	\$316,440
Grant	12	\$63,561	Shawano	1	\$5,000
Green	1	\$5,000	Sheboygan	8	\$34,039
Jefferson	7	\$35,722	St. Croix	4	\$20,133
Kenosha	1	\$862,779	Trempealeau	2	\$10,000
Kewaunee	1	\$5,000	Vernon	2	\$7,938
La Crosse	2	\$8,000	Washburn	3	\$15,000
Langlade	1	\$5,000	Waukesha	7	\$78,022
Manitowoc	1	\$5,391	Waushara	1	\$5,000
Marathon	56	\$330,201	Winnebago	2	\$12,890
Marinette	19	\$95,133	Wood	3	\$18,583
Marquette	1	\$5,000	TOTAL	220	\$10,134,740

Source: Foundation for Government Accountability & Center for Tech and Civic Life

Zuckerbucks Flowed Into Democrat Strongholds

The five most populous cities in Wisconsin—Milwaukee, Madison, Green Bay, Kenosha, and Racine—received nearly \$8.5 million of the more than \$10 million in Zuckerbucks that were funneled into the state.¹⁴

These cities have traditionally been considered Democrat strongholds, resulting in more than 80 percent of the state's Zuckerbucks flowing into heavily concentrated Democrat areas—with Biden winning by an average margin of victory of 37 points.¹⁵ Making matters worse, Milwaukee and Racine received a combined total of five separate grants from CTCL.¹⁶

Some Jurisdictions Did Not Spend Any Money on PPE

The leaders of the five most populous cities in Wisconsin claimed that without additional funding, they would be forced to decide between “health and the right to vote.”¹⁷ Despite this claim, only a fraction of the funds received was spent on PPE.¹⁸ In fact, Milwaukee spent less than six percent of its total grant on PPE.¹⁹

Meanwhile, some jurisdictions did not spend any money on PPE at all.²⁰ For example, Brookfield spent all \$14,090 of their grant on election administration equipment.²¹ And Menasha spent all their funds on absentee voting equipment and supplies.²² Green Bay spent less than one percent of their Zuckerbucks on PPE, and instead opted to purchase two new Ford trucks and pay a public relations firm nearly \$150,000 for voter outreach.²³



**MILWAUKEE SPENT LESS THAN SIX PERCENT
OF ITS TOTAL GRANT ON PPE.**

THE BOTTOM LINE: Wisconsin should prohibit outside money from financing elections.

The 2020 presidential election was proof positive that private funds infiltrating elections—no matter the amount—opens the door to outside influence that can impact the election and erode public trust. But fortunately, there is a way for Wisconsin to safeguard all future elections in the state. By prohibiting local governments from accepting private funding from individuals and third parties, Wisconsin can limit outside influence and restore public trust in elections.

Similar efforts are trending across the country. Indeed, 22 states, including nearby Iowa, Missouri, Ohio, and Nebraska have all passed reforms to secure their elections. Wisconsin can, and should, be the next state to safeguard their elections from outside influence.

“

By prohibiting local governments from accepting private funding from individuals and third parties, Wisconsin can limit outside influence and restore public trust in elections.

”

REFERENCES

1. CEIR, "Priscilla Chan and Mark Zuckerberg increase support for safe and reliable voting by \$19.5 million," Center for Election Innovation & Research (2020), <https://electioninnovation.org/press/chan-zuckerberg-increase-2020-election-support/>.
2. CTCL, "Press release: CTCL receives additional \$100M contribution to support critical work of election officials," Center for Tech and Civic Life (2020), <https://www.techandciviclelife.org/100m/>.
3. CTCL, "Tiana Epps-Johnson," Center for Tech and Civic Life (2020), <https://www.techandciviclelife.org/team/tiana-epps-johnson/>.
4. Mark Zuckerberg, Facebook post, (2020), <https://www.facebook.com/zuck/posts/10112459455098901>. FGA, "Zuckerbucks infiltrated the 2020 election: A cautionary warning for Louisiana," Foundation for Government Accountability (2022), <https://thefga.org/one-pagers/zuckerbucks-infiltrated-the-2020-election-a-cautionary-warning-for-louisiana/>.
5. FGA, "Zuckerbucks infiltrated the 2020 election: A cautionary warning for Louisiana," Foundation for Government Accountability (2022), <https://thefga.org/one-pagers/zuckerbucks-infiltrated-the-2020-election-a-cautionary-warning-for-louisiana/>.
6. Trevor Carlsen, "Show Me the Zuckerbucks: Outside money infiltrated Missouri's 2020 election," Foundation for Government Accountability (2021), <https://thefga.org/wp-content/uploads/2021/11/Missouri-Zuckerbucks-brief-3-9-22.pdf>.
7. Trevor Carlsen and Hayden Dublois, "How 'Zuckerbucks' infiltrated and influenced the 2020 Pennsylvania election," Foundation for Government Accountability (2020), <https://thefga.org/wp-content/uploads/2021/03/PennsylvaniaZuckerbucks-brief-3-16-21.pdf>.
8. Hayden Dublois and Tyler Lamensky, "Zuckerberg went down to Georgia: How Zuckerbucks influenced the Georgia elections," Foundation for Government Accountability (2021), <https://thefga.org/paper/zuckerbucks-influenced-georgia-elections/>.
9. Alli Fick and Tyler Lamensky, "How Zuckerbucks infiltrated the Wisconsin election," Foundation for Government Accountability (2021), <https://thefga.org/paper/zuckerbucks-wisconsin-election/>.
10. Grant reports obtained through public records requests received by the Foundation for Government Accountability.
11. Center for Tech and Civic Life, "Final report on 2020 COVID-19 response grant program and CTCL 990s," Center for Tech and Civic Life (2021), <https://www.techandciviclelife.org/2020covidsupport/>.
12. Ibid.
13. The cities of Green Bay and Milwaukee each received two grants, and the city of Racine received three grants. All other municipalities received one grant award.
14. Grant reports obtained through public records requests received by the Foundation for Government Accountability.
15. Mark Hemingway, "Team Zuckerberg masks the heavily pro-Democrat tilt of 2020 election 'Zuck Bucks,' study finds," RealClear Investigations (2022), https://www.realclearinvestigations.com/articles/2022/06/07/team_zuckerberg_masks_the_heavily_pro_democrat_tilt_of_2020_election_zuck_bucks_study_finds_835470.html.
16. Ibid.
17. Alli Fick and Tyler Lamensky, "How Zuckerbucks infiltrated the Wisconsin election," Foundation for Government Accountability (2021), <https://thefga.org/paper/zuckerbucks-wisconsin-election/>.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. Ibid.
23. Ibid.



15275 Collier Boulevard | Suite 201-279
Naples, Florida 34119
(239) 244-8808

TheFGA.org |  @TheFGA |  TheFGA |  TheFGA



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544

Josh Kaul
Attorney General

114 East State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

June 25, 2024

OAG-01-24

Mr. Carlos A. Pabellón
Dane County Corporation Counsel
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703-3345

Dear Corporation Counsel Pabellón:

¶ 1. You seek an opinion about the meaning of Wis. Const. art. III, § 7(2), which was created through referendum at the April 2024 election following passage of joint resolutions by the Wisconsin Legislature. Article III, section 7(2) provides that “[n]o individual other than an election official designated by law may perform any task in the conduct of any primary, election, or referendum.” I construe your request as asking two questions about the provision: (1) the meaning of “election official designated by law”; and (2) the meaning of “task in the conduct of any primary, election, or referendum.”

¶ 2. I conclude that “election official” has the same meaning in the new constitutional provision as it has in the statutes, *see* Wis. Stat. § 5.02(4e), and that a “task in the conduct of any primary, election, or referendum” refers to work in directing or leading the administration of an election. The legislative record shows that the provision was proposed in response to the perception that a local election official had lost control of the oversight of an election. Article III, section 7(2) does not apply to more ordinary circumstances in which an election official works with or is assisted by non-election officials in ensuring the proper administration of an election, such as work with vendors on the layout and printing of ballots, information technology personnel on software and hardware security, law enforcement personnel on ballot transport, or employees or volunteers assisting with mailings or other clerical work.

EXHIBIT 4

Corporation Counsel Carlos A. Pabellón
Page 2

¶ 3. Your first question relates to the position that does the work described in Wis. Const. art. III, § 7(2): “an election official designated by law.” You ask whether “election official designated by law” is synonymous with “[e]lection official” as defined in Wis. Stat. § 5.02(4e). It is.

¶ 4. “The constitution means what its framers and the people approving of it have intended it to mean, and that intent is to be determined in light of the circumstances in which they were placed at the time.” *Dairyland Greyhound Park, Inc. v. Doyle*, 2006 WI 107, ¶ 19, 295 Wis. 2d 1, 719 N.W.2d 408 (quoting *State ex rel. Bare v. Schinz*, 194 Wis. 397, 404, 216 N.W. 509 (1927)). In construing a provision of the constitution, courts examine three primary sources: “the plain meaning, the constitutional debates and practices of the time, and the earliest interpretations of the provision by the legislature, as manifested through the first legislative action following adoption.” *Id.*

¶ 5. The plain language of Wis. Const. art. III, § 7(2) answers your first question. That constitutional provision requires “election official[s] designated by law” to carry out the work described. Wis. Const. art. III, § 7(2). The provision does not create its own definition of “election official,” but simply defines the role by reference to other “law” that designates a position as an election official.

¶ 6. That law exists in Wisconsin statutes. The definitional section of the election statutes broadly defines “[e]lection official” as “an individual who is charged with any duties relating to the conduct of an election.” Wis. Stat. § 5.02(4e). “Election” is defined to include public primaries, elections, and referenda. Wis. Stat. § 5.02(4), (16s).

¶ 7. Numerous officials are charged with “duties relating to the conduct of an election” within the meaning of Wis. Stat. § 5.02(4e). Among others, they include village clerks, who “perform any duties prescribed by law relative to elections,” Wis. Stat. § 61.25(1); municipal clerks, including city clerks, who have “charge and supervision of elections and registration in the municipality,” Wis. Stat. § 7.15(1); county clerks, who are designated as “the chief election officer[s] of the county,” Wis. Stat. § 59.23(2)(i); municipal and county boards of canvassers, Wis. Stat. §§ 7.53, 7.60, 9.01; and school district clerks, Wis. Stat. §§ 120.05(1)(b), 120.06(8).

¶ 8. Because the statutes impose “duties relating to the conduct of an election” on all these officials, they are “[e]lection official[s]” within the meaning of Wis. Stat. § 5.02(4e). And because they are thus each an “election official designated by law,” they are election officials within the meaning of Wis. Const. art. III, § 7(2).

Corporation Counsel Carlos A. Pabellón
Page 3

¶ 9. You mention Wis. Stat. § 7.30, which states that “[o]nly election officials appointed under this section or s. 6.875 may conduct an election.”¹ Wis. Stat. § 7.30(2)(a). But Wis. Stat. § 7.30 regulates eligibility for and the appointment and tenure in office of specific election officials. *See, e.g.*, Wis. Stat. §§ 7.30(1) (specifying number of inspectors for each polling place), 7.30(2)(a) (specifying qualification of a chief inspector), 7.30(2)(am) (allowing 16- and 17-year-olds to serve as inspectors), 7.30(3) (providing for municipal clerk or director of the board of election commissioners to select tabulators). It does not negate the statutes empowering clerks and other election officials to run elections or create a competing definition of “election official” that is narrower than the definition in Wis. Stat. § 5.02(4e), and it does not change the meaning of “election official” in Wis. Const. art. III, § 7(2).

¶ 10. Your second question relates to the activities that Wis. Const. art. III, § 7(2) requires to be performed by election officials: “any task in the conduct of any primary, election, or referendum.” As you point out, the word “task” does not appear in Wisconsin’s elections statutes, and there are many non-election officials and entities that perform activities relating to an election, such as commercial printers who help lay out and create ballots; information technology staff responsible for the software and hardware security of the voter registration system and voting tabulation; vendors who provide technical guidance and troubleshooting regarding the equipment’s operation and maintenance; law enforcement personnel who transport sealed ballots to the office of the clerk; and designated employees or volunteers who are assigned to assist with absentee ballot mailings or other clerical work.

¶ 11. I conclude that Wis. Const. art. III, § 7(2) does not require such work to be performed by election officials. It also does not apply to activities that are distinct from *the administration* of an election, such as the kinds of efforts by non-election officials to encourage voting that commonly take place in connection with elections. Instead, Wis. Const. art. III, § 7(2) applies to activities in directing or leading the administration of the election.

¶ 12. To begin with, the legislative record associated with the adoption of this new provision of the Wisconsin Constitution supports a narrow interpretation of its scope. *See generally Dairyland Greyhound Park*, 295 Wis. 2d 1, ¶ 19 (constitutional debates are relevant to construing a constitutional provision). In written testimony, the lead author in the state senate of the joint resolutions that included then-proposed Wis. Const. art. III, § 7(2), State Senator Eric Wimberger, described

¹ Wisconsin Stat. § 6.875 discusses special voting deputies.

Corporation Counsel Carlos A. Pabellón
Page 4

concerns regarding the conduct of the 2020 general election in the City of Green Bay, asserting in part:

[T]he City Clerk . . . found herself excluded from elections meetings by the “grant team.” Due to the stipulations of the grant [an outside consultant] orchestrated the fall election and acted as a city clerk would act, though paid by [the grantor], including managing staff and having access to ballots.²

¶ 13. While there is a dispute as to the circumstances of that situation, this context illustrates that the prohibition on having non-election officials “perform any task in the conduct of any primary, election, or referendum” was aimed at preventing election officials from losing control of the oversight of the administration of elections. There is no indication that Wis. Const. art. III, § 7(2) was intended to sweep much more broadly and change the way in which election officials work with or are assisted by non-election officials in the vast majority of jurisdictions.

¶ 14. The plain language of the amendment further supports the conclusion that its application is limited to activities in directing or leading the administration of an election. The word “task” must be read not in isolation, but rather in the context of the words around it. The Wisconsin Supreme Court has recognized that “terms in . . . constitutional provisions, should be construed to give effect ‘to each and every word, clause and sentence’ and ‘a construction that would result in any portion

² Wis. Legis. Council, Hearing Materials for 2023 Wis. S.J. Res. 78, Testimony of State Sen. Eric Wimberger, J. Comm. on Shared Revenue, Elections & Consumer Prot. and Assemb. Comm. on Campaigns & Elections, *Testimony on Senate Joint Resolution 78 Senate* (Oct. 24, 2023), https://docs.legis.wisconsin.gov/misc/lc/hearing_testimony_and_materials/2023/sjr78/sjr0078_2023_10_24.pdf; accord Wis. Legis. Council, Hearing Materials for 2021 Wis. S.J. Res. 101, Testimony of State Sen. Eric Wimberger, S. Comm. on Elections, Election Process Reform & Ethics, *Testimony on Senate Joint Resolution 101* (Feb. 7, 2022), https://docs.legis.wisconsin.gov/misc/lc/hearing_testimony_and_materials/2021/sjr101/sjr0101_2022_02_07.pdf; see also Cosponsorship Memorandum from State Reps. August and Bodden and State Sen. Wimberger to All Wisconsin Legislators (Sept. 19, 2023), https://www.wheelerbilltracking.com/upload/files/lrb/doc_5409532596509ff713b6884.44232304.pdf (“In at least one case, private employees played a concerning role in the administration of the presidential election.”); Cosponsorship Memorandum Email from State Reps. August and Vorpapel and State Sen. Wimberger to All Wisconsin Legislators (Feb. 2, 2022 09:04 CST) (on file with the Wisconsin Department of Justice) (“In at least one instance, private individuals from [the grantor] played a concerning role in the administration of the election.”).

Corporation Counsel Carlos A. Pabellón
Page 5

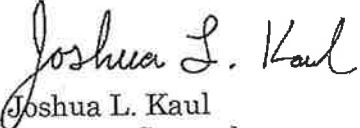
of a statute being superfluous should be avoided wherever possible.” *Wagner v. Milwaukee Cnty. Election Comm’n*, 2003 WI 103, ¶ 33, 263 Wis. 2d 709, 666 N.W.2d 816 (citation omitted).

¶ 15. In Wis. Const. art. III, § 7(2), the word “task” is limited by the prepositional phrase that follows it: “in the conduct of any primary, election, or referendum.” “[T]ask[s] in the conduct of . . . election[s]” refers to the work of conducting an election. Wis. Const. art. III, § 7(2). And the noun “conduct,” in this context, means “the act, manner, or process of carrying on: MANAGEMENT.”³ “Tasks in the conduct of an election” are thus not everything relating to the election more broadly, but activities in directing or leading the administration of the election.

CONCLUSION

¶ 16. In sum, I conclude that the meaning of “election official” is the same under Wis. Const. art. III, § 7(2) and Wis. Stat. § 5.02(4e) and that the work that Wis. Const. art. III, § 7(2) requires to be performed by election officials is work in directing or leading the administration of an election.

Sincerely,


Joshua L. Kaul
Attorney General

JLK:NJZ:jrs

³ *Conduct*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/conduct> (last visited June 20, 2024); see also *id.* (meanings of “conduct” when used as a transitive verb include “to direct or take part in the operation or management of,” “to direct the performance of,” and “to lead from a position of command”).

**WISCONSIN ELECTIONS
COMMISSION**



Application and Interpretation of Wis. Const. art. III, § 7(2)

Thursday, August 1, 2024

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

Priority: Timely Attention

File Downloads

-  Constitutional Amendment and AG Opinion_7.30.24_SECOND AMENDED.pdf
-  Attorney General Opinion_OAG_01_24.pdf

Two proposed amendments to the Wisconsin Constitution ("Constitution") were included as referenda on the ballot at the April 2, 2024, Spring Election. Each referendum was passed by the voters of Wisconsin and ratified into the Constitution as follows:

- **Article III, § 7(1):** No state agency or officer or employee in state government and no political subdivision of the state or officer or employee of a political subdivision may apply for, accept, expend, or use any moneys or equipment in connection with the conduct of any primary, election, or referendum if the moneys or equipment are donated or granted by an individual or nongovernmental entity.
- **Article III, § 7(2):** No individual other than an election official designated by law may perform any task in the conduct of any primary, election, or referendum. ("Subsection 2")

Based upon subsequent feedback received by the Wisconsin Elections Commission ("Commission"), it became apparent that Wisconsin's clerks and government officials had confidence in their ability to interpret and apply the first of those two amendments (e.g. § 7(1)). However, the Commission also received many questions and general concerns relating to Subsection 2. Similar feedback and questions were received by the Wisconsin Attorney General's Office, including a request for an attorney general advisory opinion, and the subsequent opinion

relating to Subsection 2 was published on June 25, 2024 (See attached). The Commission formally agreed with the attorney general's analysis at its August 1, 2024, meeting, and the following communication reflects the Commission's recommendations for interpreting and applying Subsection 2.

It is necessary to first define and apply the relevant terms used in Subsection 2. These definitions come from statute and from the attorney general opinion:

- **Election Official:** This term has the same meaning in Subsection 2 as it has in Wis. Stat. 5.02(4e). That provision states, "'Election official' means an individual who is charged with any duties relating to the conduct of an election."
 - See various examples of election officials in statute, including those specifically cited in the attorney general opinion.
- **Task in the conduct of any primary, election, or referendum:** Refers to work in directing or leading the administration of an election (See Wis. Stats. §§ 5.02(4) and (16s)). Subsection 2 does not apply to more ordinary circumstances in which an election official works with, or is assisted by, non-election officials in performing non-administrative election tasks. "Non-election officials" and "non-election tasks," as they relate to the conduct of a primary, election, or referendum, are further explored below.
- **Non-Election Official:** A person who assists or performs duties that may be adjacent to the conduct of an election, but do not relate to administration of any task in the conduct of a primary, election, or referendum. Practically speaking, a non-election official is a person who is not directly performing duties related to candidate registration or filing officer duties, ballot access challenge or other election complaint processes, voter registration, special voting deputy activities, ballot processing, vote tabulation, or canvassing.
 - Examples include, but are not limited to, print vendors, ballot design vendors, voting equipment and/or software suppliers, IT security consultants, law enforcement personnel (including those transporting ballots or results data across locations), employees or volunteers assisting with mailings or other clerical work, and individuals working in or visiting a polling place that do not perform functions amounting to the administration of election tasks.

The attorney general opinion can be condensed to the following: *If there is a task in the conduct (administration) of any primary, election, or referendum, it must be performed by an election official. A non-election official may not perform substantive tasks in the conduct of any primary, election, or referendum.*

- **Examples of Constitutional Compliance and Non-Compliance**

- **Balloting Activities**

- **Allowed:** A Special Voting Deputy facilitates absentee voting at a care facility, or the local clerk assists a resident who is a qualified elector in requesting an absentee ballot.
 - **Prohibited:** Any individual other than a clerk, deputy clerk, or another official with statutory authority to administer election tasks cannot perform absentee voting procedures.
 - **Note:** The law allows an assistor to perform certain functions on behalf of a disabled voter. Nothing in this memorandum is meant to imply that such assistance is prohibited.
- **Election Day Activities**
- **Allowed:** A duly-appointed election inspector feeds absentee ballots into the city's tabulator on Election Day; A voting equipment vendor performs public tests of new systems or is called to a polling place where a tabulator has significantly jammed to perform necessary maintenance.
 - **Prohibited:** The equipment vendor performs the necessary maintenance and then begins opening and tabulating actual voter's absentee ballots to ensure it is working properly, rather than allowing the election inspectors to do so.
- **Canvassing**
- **Allowed:** The local and county board of canvassers perform their statutory canvassing activities; Election officials hire a consultant to perform tasks that are not related to the conduct of any primary, election, or referendum.
 - **Prohibited:** The city hires a consultant to review and improve polling place and canvassing operations. The consultant then begins performing the canvassing functions and logging real election activities to show the board of canvass a better method.
- **Election Adjacent Tasks**
- **Allowed:** The county's designated print vendor provides ballot proofs to the clerks and subsequently prints copies of the approved template.
 - **Prohibited:** The print vendor mails ballots directly to voters.
- **Voter Registration Note**
- Please review the following Commission materials for additional information on allowable non-election official voter registration activities:
 - See "Voter Registration" section of the Election Administration Manual starting on Page 48. <https://elections.wi.gov/resources/manuals/election->

administration-manual

- See archived webpage "Online Voter Registration and the Elimination of Special Registration Deputies" <https://web.archive.org/web/20170114175233/http://elections.wi.gov/node/4837>
- See advisory opinion "Electronic Signature on Voter Registration Forms" <https://elections.wi.gov/advisory-opinions>

If you have additional questions, please email elections@wi.gov.

Memo Type:

Clerk Communication

Election:

All Elections

Threats to Election Integrity

ERIC-CEIR-REVERE

Verity Vote

Executive Summary

The Electronic Registration Information Center, ERIC, and the Center for Election Integrity and Research (CEIR) are two entities that enjoy 501(c)(3) status. Widely known information is summarized first and followed by new information learned about these organizations from a series of FOIA requests submitted to several states.

Known Issues

- ERIC was founded in 2012 by David Becker while he was working at Pew Charitable Trusts. It was reported that Becker wanted to create a national voter list but realized that the states would not approve it. So, he created ERIC as a membership based organization as an alternative.
- Becker has behaved as a partisan-progressive. His bias was exposed in a probe of ethics violations while at the DOJ; he worked as the Director of a far left organization called People for the American Way and then went to work for Pew. After founding and running ERIC for several years, Becker claims that he stepped away from his role at ERIC. In 2016, Becker founded the "non-partisan" 501(c)(3), CEIR. However, Becker remains a "non-voting board member" of ERIC.
- ERIC has 31 member states who share information under the guise of cleaning voter rolls. In the 10 years since its founding, there is no evidence that ERIC leads to improved accuracy of voter rolls. In fact, ERIC has only a conditional requirement for voter list maintenance.
- ERIC does require all member states to contact 95% of the unregistered citizens identified in lists called Eligible but Unregistered (EBU). This results in significant swelling of voter rolls. EBU additions consistently exceed suggested removals by ten times.
- The ERIC membership agreement prevents member states from disclosing any information associated with ERIC or any related registration or maintenance activities, creating a veil of secrecy around the operations. This lack of transparency is a violation of the NVRA which specifically requires states to make these activities public.
- CEIR received more than \$70M from the Chan Zuckerberg Initiative in 2020.

New Findings

Below is a summary of the findings associated with Verity Vote's investigation and review of documents received in response to FOIA requests.

1. Member states not only provide ERIC with the voter registration records, states must also provide all DMV records. The DMV records include records of people who decline to register. This appears to violate federal law. The NVRA prohibits states from sharing any records that relate to a "declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered."
2. States are also sharing information about individuals, whether they registered or declined to register, when they were offered the opportunity to do so in "other agencies" such as the Department of Aging and the Department of Human Services.
3. ERIC is supposed to be governed by representatives from member states and managed by Shane Hamlin, executive director. FOIA records show that Becker is still involved in ERIC operations and continues to direct and delegate tasks involving ERIC.
4. ERIC is required to protect the sensitive PII of millions of people from 31 states, but records reveal that ERIC is sharing data with CEIR, the Zuckerberg funded organization.
5. CEIR is creating the lists of voters who should be targeted for voter registration efforts and laundering the lists back through ERIC for distribution to the states.
6. CEIR is promoting and launching a new, free service for election officials called RE-VERE, which is aimed at combating "disinformation" in real time; a task that no one could succeed at but is poised to distribute partisan propaganda. This tool will use cell phone and email information obtained from states to send targeted messages to voters.
7. The PA DoS filed a lawsuit against the PA Senate in which they disclose that access to confidential voter information is very dangerous because "bad actors who gain access to this information would have all the data they need to control the voters' registrations, and even their votes."

Deadline to Act

The ERIC Contract makes it difficult for members to resign. It prohibits resignation within 91 days of a federal general election. If member states plan to resign as a result of these findings, they must issue notice by the end of July.

History of ERIC

The Electronic Registration Information Center, ERIC, was created in 2012 by David Becker and Pew Charitable Trusts. Initially, seven states signed on to the program: Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. More states continued to join under the guise that ERIC was the solution to voter list maintenance. Today, there are

31 "member states" (Original seven plus Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, West Virginia, and Wisconsin.)

According to IRS records, ERIC is an organization with just three employees. Shane Hamlin, the executive director lives in Oregon, Ericka Haas, who lives in Oregon, and Sarah Whitt lives in Wisconsin. ERIC has no physical office. ERIC's mailing address is just a virtual office at 1201 Connecticut Ave, Washington DC. ERIC is not a government organization—it is a private corporation registered in Delaware. ERIC should be required to publicly disclose records regarding the transmission and storage of Personally Identifiable Information for citizens in all member states.

Unfortunately, after 10 years of ERIC, there is no evidence that it has led to an improvement in accuracy or clean voter rolls. That might be by design. There are strict requirements to contact "each and every" person who is "possibly eligible" but not registered to vote. However, efforts to improve the accuracy of voter rolls or remove ineligible voters only requires contact when the state independently validates the data provided by ERIC. ERIC's own statistics show that they add about ten times more voter registrations (including those for people who have asked not to be added) to the voter rolls than they could ever cause to be removed from information provided to its member states.

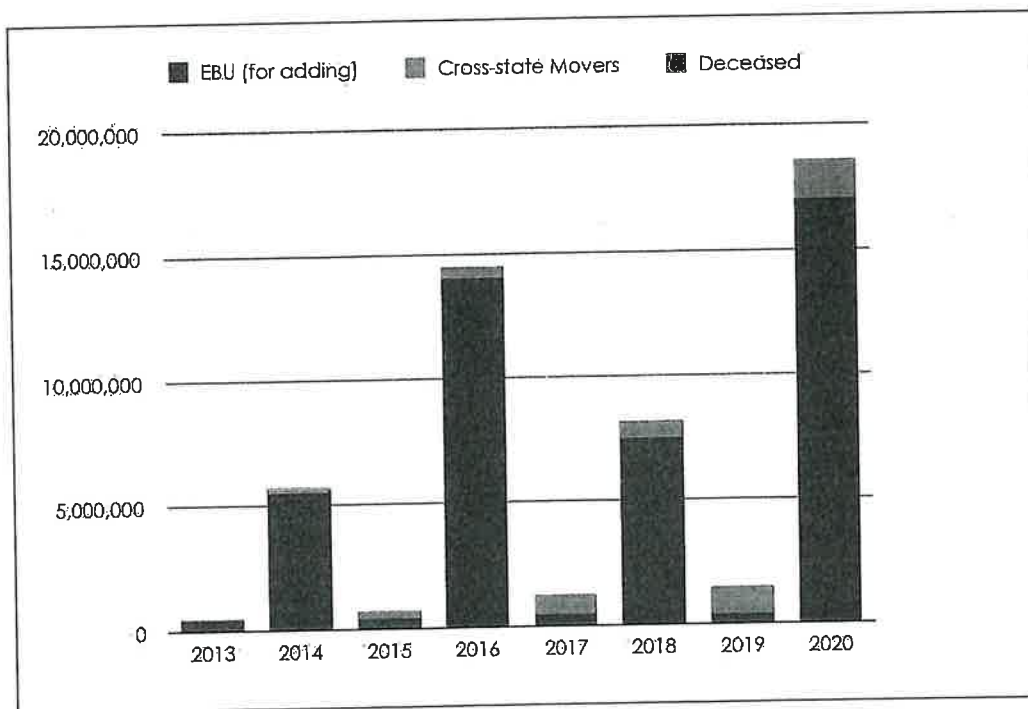


Figure 1: Plots contrasting additions and removals instigated by ERIC participation.

The US Election Assistance Commission published data from the 2020 Election Administration and Voting Survey (EAVS). All states are required to complete the EAVS survey which includes data regarding the total number of registered voters and voter list maintenance

reporting. A review of voter roll removals, upon change of residence, as a percentage of the voting age population does not show ERIC states engaging in more voter list maintenance than non-ERIC member states; instead the non-ERIC states outperform 2.3% to 1.9% in list removals as fraction of the voting age population (Fig. 2).

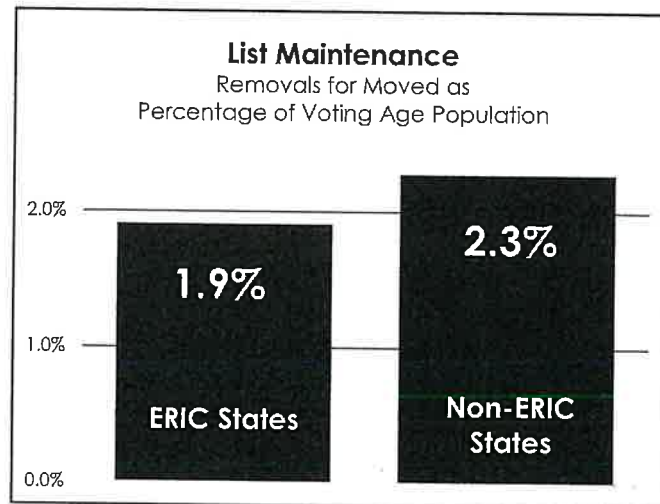


Figure 2: List Maintenance Reported on the EAVS

Interstate Crosscheck System

Prior to ERIC, there was a similar initiative called Interstate Crosscheck System which was organized by Kansas Secretary of State Kris Kobach. Crosscheck was sued out of existence by left wing groups, including the ACLU, claiming voter suppression¹. The plaintiffs pointed out a high number of false positive removal candidates and that the member states had to verify the lists. ERIC lists require validation by the counties just like the Crosscheck System. Despite the fact that ERIC receives far more personal identifiers/attributes/fields than the Crosscheck program received, they are still plagued by false positives. Therefore, states must still validate the data for possible dead people and possible movers before they even begin the process for contacting and confirming the move or death.

Plaintiffs were critical of the process for mailing postcards to voters who were identified as a potential match and asking them to confirm their address. This is the same contact and confirmation process that is used today in nearly every ERIC member state. Nevertheless, destruction of the Interstate Crosscheck paved the way for ERIC.

ERIC Member Agreement

To participate in ERIC, states must sign the member agreement. At least every 425 days, a member will receive a list of possibly eligible but unregistered voters, EBUs. The state must contact "each and every" person on the list and inform them how to register. This outreach to "possibly eligible citizens" is done with no validation or action by the state. There exists a requirement to contact each and every person on the list—no questions asked.

- a. When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how to register to vote. Each Member shall have until October 1 or fifteen (15) days before the close of registration, whichever is earlier, of the next Federal General Election year to initiate contact with at least 95% of the eligible or

Figure 3: Member states must contact each and every possible "Eligible But Unregistered" citizen suggested to them.

As for voter list maintenance, section 5b says that the member need only contact voters if the state has independently **validated the data**. The member has 90 days to initiate contact with 95% of the validated records. If a state is unable to independently validate any of the records provided on the ERIC list—it seems they have no obligation to do any voter list maintenance.

- b. When the Member receives credible ERIC Data (meaning the state has validated the data) indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided.

Figure 4: Member states only need to initiate maintenance of existing records if they have validated the data.

The agreement does not prevent ERIC from sharing the data with "agents, contractors or subcontractors." There is no requirement for ERIC to disclose the names of the entities with whom they share this private information. The agreement prohibits member states from disclosing any information yet places no limits on when and where ERIC can share it.

a. **Use and Protection of Data:** The Member and ERIC shall use their best efforts to prevent the unauthorized use or transmission of any private or protected Member Data; Additional Member Data; and data included in reports provided by ERIC ("ERIC Data") (Member Data, Additional Member Data and ERIC Data shall be collectively referred to as "Data") in its possession. The Member represents and warrants that all uses and transmissions of Data originating from the Member to ERIC and/or ERIC's agents, contractors or subcontractors comply fully with applicable state, federal and local laws, rules and regulations. The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.

Figure 5: Use and protection of data.

Public Interest Legal Foundation (PILF) has a case pending in US District Court over the "protection of data" section of the ERIC agreement. PILF demonstrates that the member agreement violates the Public Disclosure Provision of the National Voter Registration Act of 1993, NVRA. The ERIC Membership Agreement prohibits members from disclosing records that they are legally required to disclose.

Wisconsin Audit Bureau Reveals ERIC Inaccuracy

Despite the secrecy built into the ERIC agreement, the Wisconsin Legislative Audit Bureau (LAB) provides a glimpse into the accuracy of the lists generated by ERIC. In an Election Administration Audit Report published in October 2021, the LAB reveals a 52% error rate in the ERIC data. From the report,

"In August 2019, WEC obtained ERIC data on registered Wisconsin voters who may have moved within Wisconsin.... It obtained these data for the time period from September 2017 through July 2019. These data included information on approximately 428,500 individuals, but WEC's staff eliminated duplicate and erroneous records, which left information for 232,579 individuals in the data."

That is an extraordinarily high error rate based on the vast amount of data shared with ERIC and the promises of ERIC's entity resolution technology.

Improper Voters

There is no requirement to request or review data of voters who appear to have cast improper votes.

Upon the written request of a Member Representative, ERIC shall provide the Member with data identifying voters who appear to have cast improper votes in a preceding election. Members shall not be required to request these data. Use or acceptance of these data shall not be a condition of membership.

Figure 6: Improper voters need not be addressed.

Other Agency Data

In addition to the requirement to share DMV and Voter Registration records, states must also agree to transmit data from "other agencies" to ERIC. The "other agencies" that perform voter registration vary but the NVRA specifically identifies: all offices that provide public assistance and all offices primarily engaged in providing services to persons with disabilities (Fig. 7).

3. **State Agency Records.** The Member shall use its best efforts to transmit, on a regular basis, data relating to individuals that exists in the records of other agencies within its jurisdiction that perform any voter registration functions, including, but not limited to, those required to perform voter registration pursuant to the National Voter Registration Act, 43 U.S.C. 1973gg-5 ("Additional Member Data"). Notwithstanding this section, a state's failure to transmit Additional Member Data under this section shall not affect the Member's compliance with this Section or its standing as a member of ERIC.

14

Figure 7: Other State Agency Records

In Illinois, the "other agency" data shared with ERIC includes records from the Department of Aging, the Department of Employment Security, Department of Healthcare and Family Services and others.²

Illinois:

In addition to the voter files and motor vehicle records Members must provide to ERIC under section 2 of the Membership Agreement, Illinois, in accordance with state law, is required to transmit to ERIC identification records contained in the Department of Human Services, the Department of Healthcare and Family Services, the Department of Aging, and the Department of Employment Security databases (excluding those fields unrelated to voter eligibility, such as income or health information).

Figure 8: Illinois Other Agency Data

Entity Resolution

ERIC's matching software was developed by data scientist Jeff Jonas. Entity resolution is a more sophisticated way of doing fuzzy matching. Jonas mentions personal data like next of kin, spouse, and other "disclosed relationship" data. Since relationships are not disclosed on driver's license applications, it is likely that the relationship data he refers to is obtained from other "state agency" data as described in item 3 of the ERIC membership agreement pictured above.³ Relationship data is also available from commercial credit reporting agencies.

In a video describing his work with ERIC data, Jeff Jonas said, "Disclosed relationships. It's when you, when you are on-boarding the person for entitlements or in healthcare, and you learn their spouse, you're not guessing or deriving they're your spouse. They've told you. So as a disclosed relationship.", thus revealing the use of entitlement and healthcare data for entity resolution.

Jeff Jonas is described by Becker as the "Mastermind behind ERIC software". Jonas still serves on the Technology Advisory Board of ERIC and is also one of the original Board Members of CEIR.

EBU Lists—Declination & Registration Agency

The purported purpose of ERIC membership is to improve the accuracy of voter rolls by providing a way for states to identify interstate movers. Interstate sharing of private information of individuals who, by definition, are not on the voter rolls, does nothing to enhance list maintenance. If a state wants to reach out to unregistered voters within their state, they have all of the information necessary to do so. Voters receive no benefit from the interstate transmission of this personally identifiable information.

Regarding public disclosure of voter registration activities, the NVRA says that each state shall make all records concerning activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters publicly available. However, records that relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered are not permitted to be made public.

The Eligible But Unregistered (EBU) lists are reportedly created using the personal information obtained from DMV and other agency records. Providing a list of people who processed a transaction at the DMV—where they either register or decline to register—either reveals a record of declination or it reveals the agency with which the person interacts. Federal Law prohibits public access to this data, however, it does not specifically prohibit all disclosure. Providing ERIC with a list of identified individuals who processed a transaction with the Department of Human Services reveals the agency where that individual received service.

Any person who interacts with the DMV to get a license or state issued ID, interacts with a public assistance office, or requests services for persons with disabilities are offered the opportunity to register to vote. Many people choose to register but many others do not choose to register and decline when asked to do so. These individuals have expressed a desire to not be registered. Despite an individual's declination to register and despite federal laws that protect this data, "EBU outreach" specifically targets these people.

Becker Relationship with ERIC

ERIC is not the benign, non-partisan organization, governed by many states that it represents itself to be. ERIC was conceived and created by David Becker while he was at the Pew Charitable Trusts.

In an article, written in praise of Becker's work, the motives behind ERIC are disclosed.

"Becker saw that with the increasing divide in national politics, Congress would likely never pass legislation that created a national voter list, and a federal mandate for such a list would likely face stiff resistance from states themselves. Even engaging a reputable independent third party like Pew to run such an effort would face mistrust and opposition. Instead, Becker and his colleagues created ERIC as a non-profit membership organization in which each state that joins, signs a membership agreement that obligates them to specific actions. The members govern how ERIC is run—each member-state gets a seat on ERIC's board of directors".⁴

ERIC went live in 2012 with seven states.

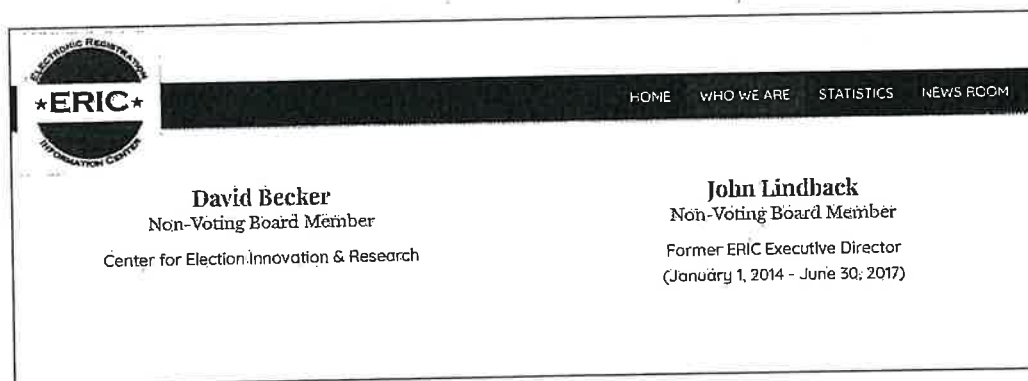


Figure 9: The ERIC website lists David Becker as a non-voting board member.

While Becker now claims to be simply a non-voting member of the ERIC board, emails obtained by FOIA requests show he still has a great deal of control over the ERIC organization and the daily operations. ERIC reported only two employees in 2019. An executive director and a systems engineer who both made less than \$125,000 per year. The website now shows three employees with the addition of Sarah Whitt from WEC.

David Becker's Background

Prior to joining Pew Charitable trusts and founding ERIC, Becker worked in the Department of Justice. In 2005, while working as a trial attorney in the Voting Section of the Civil Rights Division of the DoJ, Becker contacted the city of Boston offering his services to defeat a lawsuit brought by the DoJ for voting rights infractions. His actions were reported to the DoJ's Office of Professional Responsibility (OPR). Brad Schlozman, who was acting head of the Civil Rights Division in 2005 said, "It was the most unethical thing I've ever seen. Classic case of someone who should have been disbarred".

Hans von Spakovsky, who worked at the Justice Department as counsel to the Assistant Attorney General for Civil Rights confirmed the report of the ethics complaint, "In his role with the DoJ, he was supposed to be non-partisan, but his emails uncovered in the Boston investigation revealed nasty, disparaging remarks about Republicans. Very unethical and unprofessional. I would never hire or trust him."⁵

After leaving the DoJ, Becker became the Director of a far left organization called People For the American Way. PFAW reports that they have "deep expertise in fighting the Right" and are "committed to redoubling our efforts to invest in the next generation of progressive champions." Becker does not report his time at PFAW on his LinkedIn page or in his CEIR bio⁶.

In 2016, Becker founded CEIR which is another organization that enjoys 501(c)(3) status. According to IRS records, Becker was the founder and only employee of CEIR through 2019. By June 2022, the electioninnovation.org website showed ten employees and positions open to hire. Records show that CEIR received \$905,000 from Democracy Fund for "operating expenses" from March 2017 through May 2021.

Becker Control of ERIC Operations

There are multiple emails in which Becker takes the leadership role in coordinating and directing ERIC activities. If the member states believe that Becker has no say in the operations, they are being deceived. In these examples (Fig. 10 and Fig. 11)" Becker organizes events from his CEIR email with ERIC members and writes of hoping to work with them.

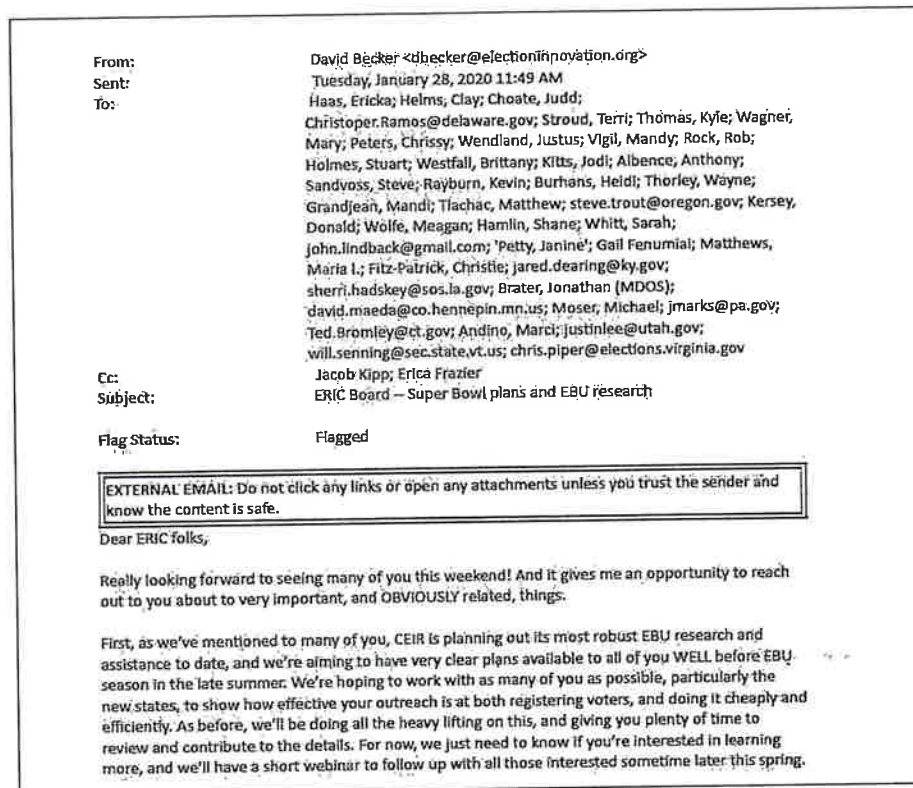


Figure 10: Email from Becker on plans for Super Bowl

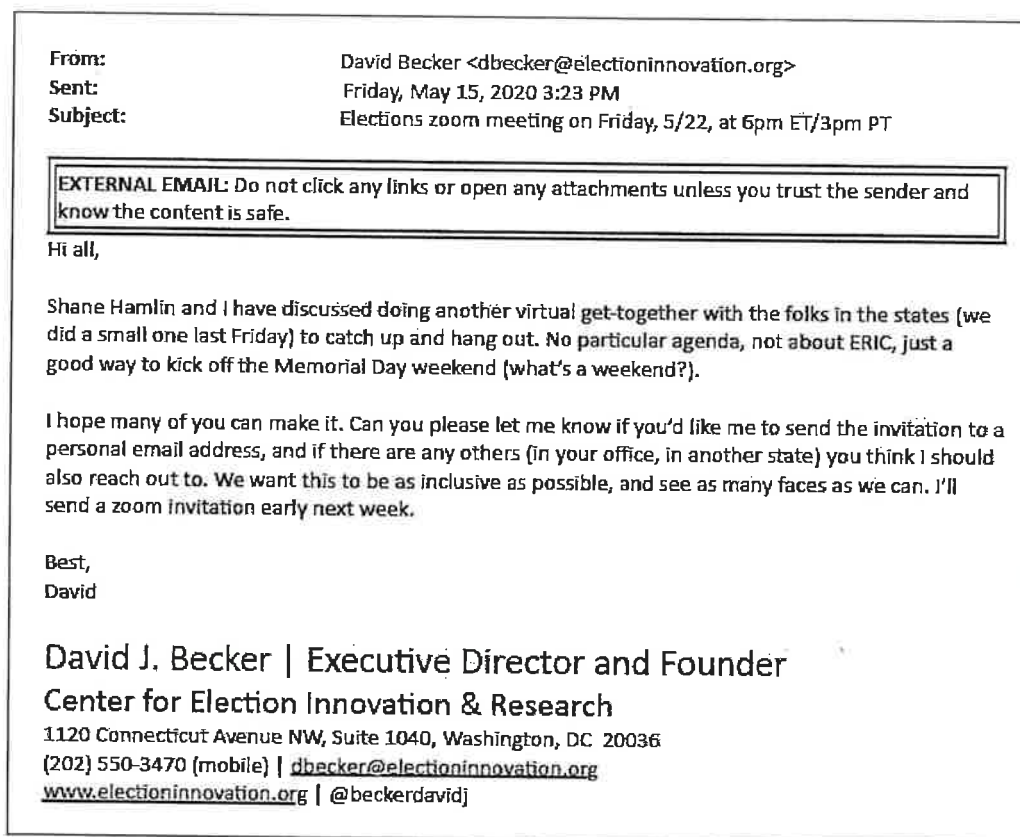


Figure 11: Email showing that Becker is coordinating ERIC meetings

As revealed in video posted in April 2020, Becker hosted a 57 minute meeting with DoS representatives from ERIC states discussing ERIC EBU Outreach. During this recorded web meeting, branded as CEIR, Becker makes numerous comments on behalf of ERIC. All the while, the Executive Director of ERIC, Shane Hamlin, is on the call but does not say a single word. When an attendee inquired about the status of California's ERIC membership, Becker responded and said that he is "personally going to be very active in continuing to try to bring California on board" as an ERIC member state. Hamlin says nothing. Another attendee asks how to report undelivered mail to ERIC and Becker responds.

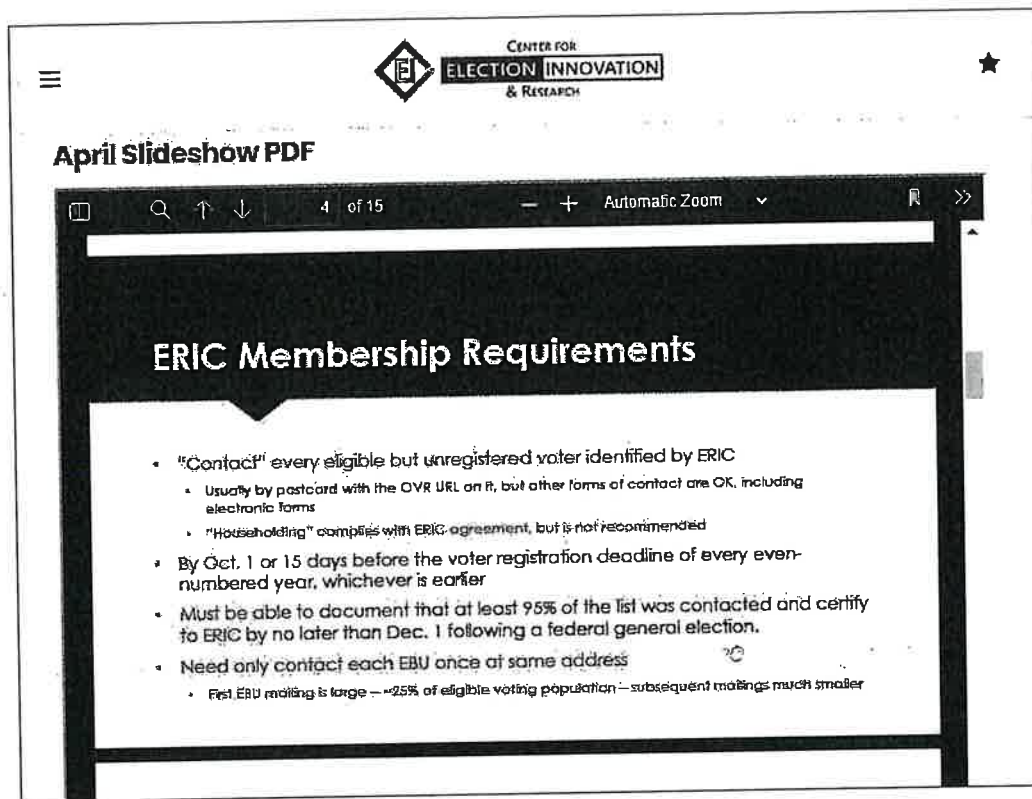


Figure 12: ERIC membership requirements reviewed during CEIR web meeting.

The ERIC bylaws describes the role of the Executive Director. "The Board of Directors shall hire an Executive Director who shall serve as the chief executive officer of the Corporation. The Executive Director shall have day-to-day responsibility for the management of the staff and programs of the Corporation, including carrying out the Corporation's goals and Board-approved policies." Records show that Becker, merely a non-voting member of the board, is managing programs and operations in violation of the bylaws.

ERIC's innovation, according to Becker, is not that it enables different database platforms to communicate with one another. "[The] technology is pretty cool, but it's not really groundbreaking. The real innovation is in the governance model." These records show that Becker controls the governance model.

Zuckerberg's Connection to ERIC Data

It is widely known that Mark Zuckerberg donated \$350M to Center for Tech and Civic Life (CTCL) to effectively privatize significant parts of the election in several key cities for the 2020 election. Many state legislatures have recognized the damage done by the highly partisan distribution of funds to mostly Democrat counties. Some analysts argue that Zuckerberg bought the election.

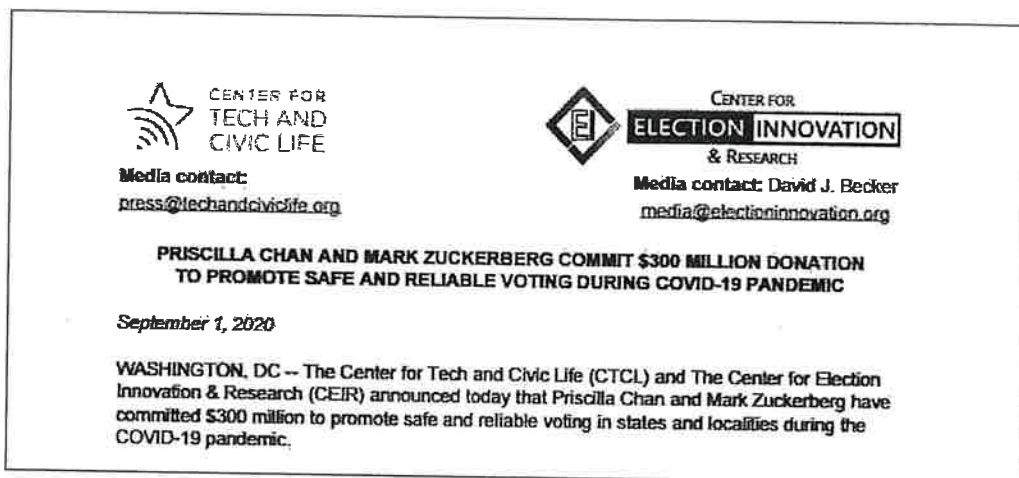


Figure 13: Joint Announcement between Center for Tech and Civic Life and the Center for Election Innovation and Research.

What people aren't talking about is the other nonprofit that received \$70 million of Zuckerberg's questionable funding. The Center for Election Innovation and Research, CEIR, mirrored the CTCL pattern but, instead, funneled money to mostly progressive secretaries of state in order to gain access to data needed to inflate the Democrat voter rolls and drive Democrat turnout. Pennsylvania's Department of State received \$13 million from Zuckerberg through CEIR. Michigan's DoS received nearly \$12 million.

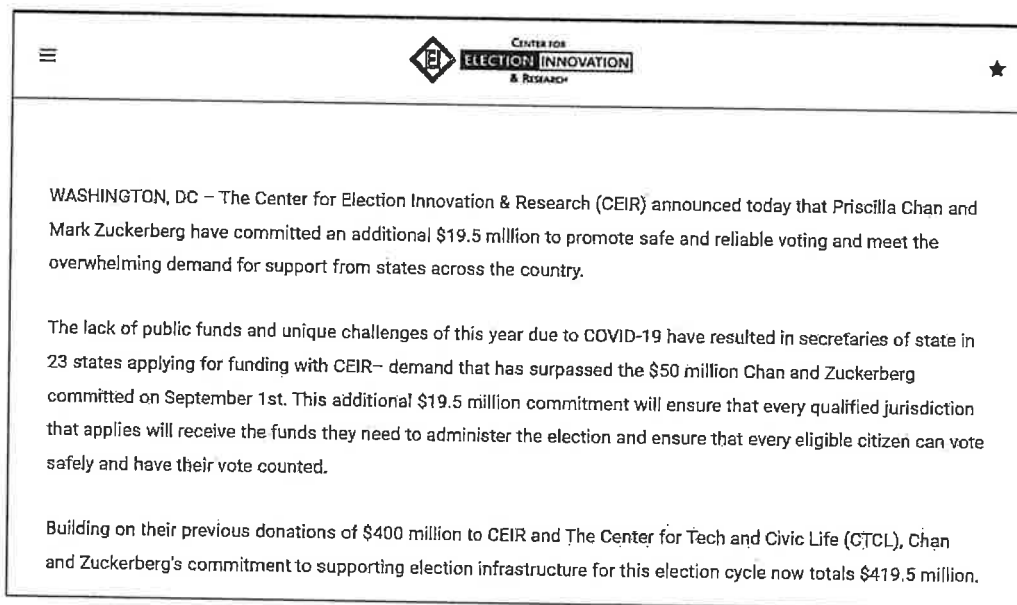


Figure 14: CEIR Press Release Announcing Additional Zuckerberg Funding

ERIC Data Shared with CEIR

An email received from a FOIA request submitted to the GA Secretary of State's office reveals that ERIC is transferring EBU data to CEIR. This is NOT voter registration data but data from people who have chosen not to register to vote. CEIR is creating targeted mailing lists from the EBU data. See below email from Jenny Lovell, former research manager of CEIR. She explains that the data from GA should be sent to ERIC for transfer to CEIR. That transfer process is reversed so GA can download the mailing lists from ERIC. Lovell is now a data lead with Democracy Works.

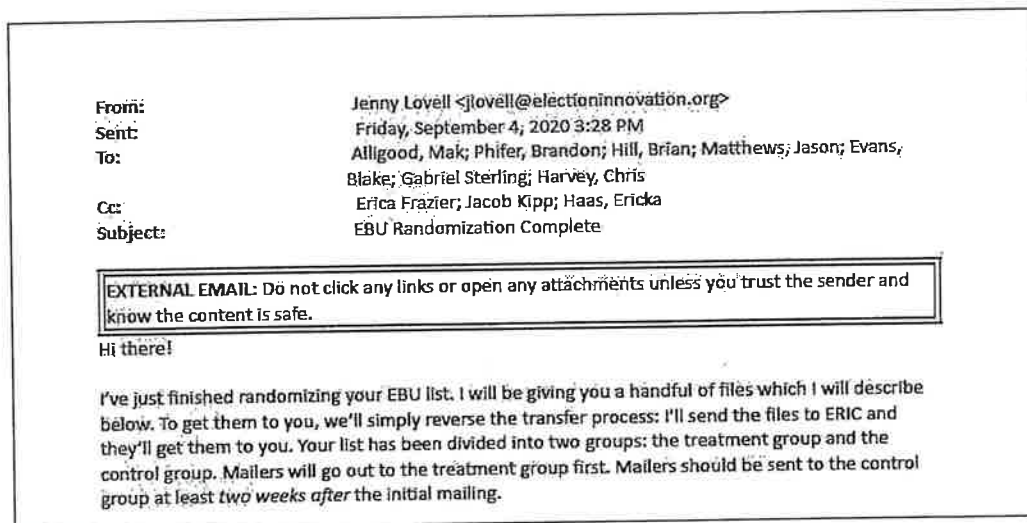


Figure 15: Email showing that ERIC is transferring EBU data to CEIR

A document, also received through FOIA request, shows the timeline and includes the transfer of ERIC data to CEIR. CEIR, funded by Zuckerberg, creates the lists used for voter registration outreach.

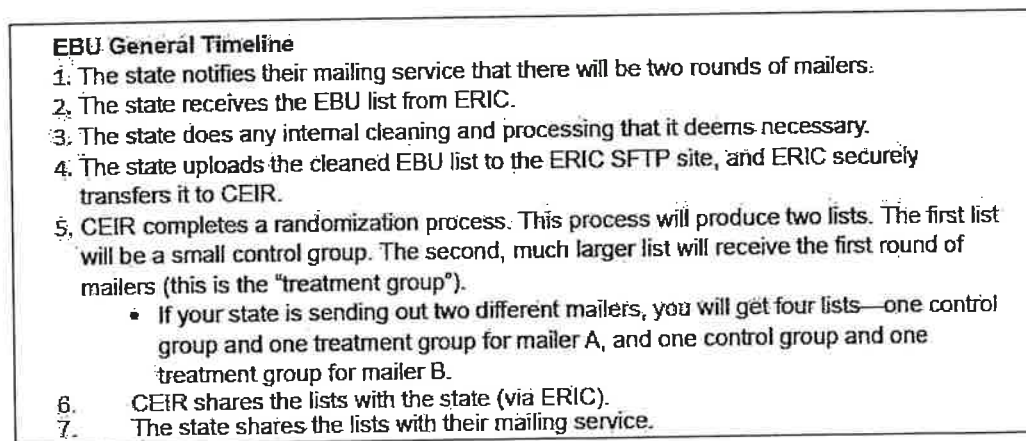


Figure 16: Steps for reaching the eligible but unregistered (EBU) targets.

Has this transfer of data been disclosed to the state legislators who authorized ERIC mem-

bership? Are those state legislators aware of the CEIR's funding sources? Do states want to give private data to an organization funded by Zuckerberg or Democracy Fund? Many have worried about the disclosure of the critical data shared with ERIC. The FOIA records provide proof of that disclosure. Voter rolls are public records, however, people who choose not to register to vote likely have an expectation of privacy. Some people do not register to vote solely to protect their privacy.

The hashing of the last four digits of a Social Security number provides little protection. The hash is deterministic for a given input: if a bad actor knows what type of hash is being used, they can generate the ten thousand possibilities present in four digits and map the hash to the the four digit ending.

Notice that the disclosed ERIC Data Flow diagram does not show the data flow to CEIR.⁷

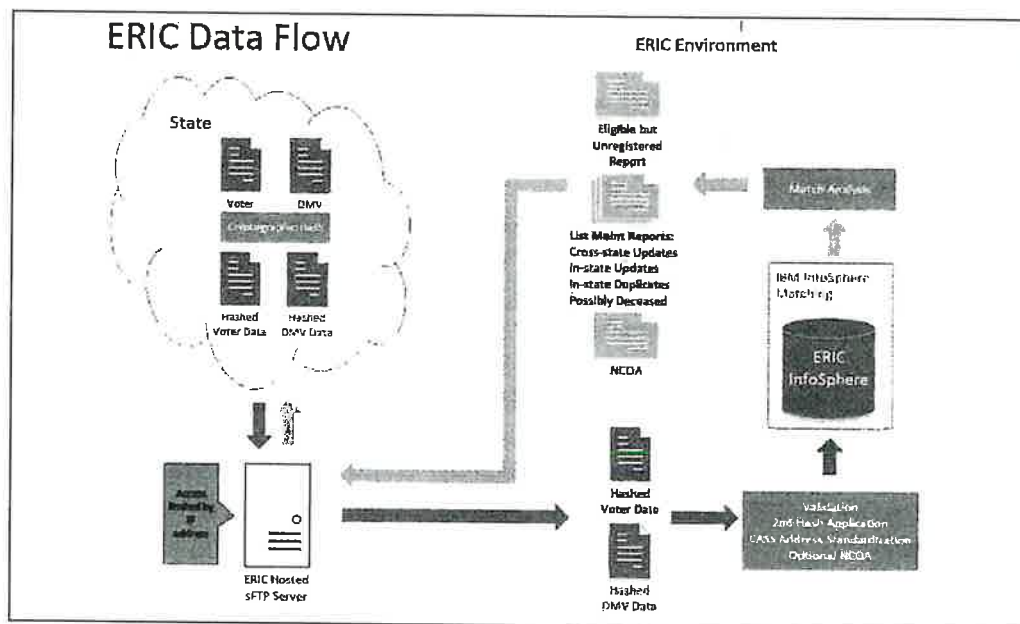


Figure 17: Disclosed ERIC Data Flow diagram does not show the data flow to CEIR.

The email below tells ERIC member states that they need to attend one of the CEIR meetings regarding EBU.

From: David Becker
Sent: Friday, April 17, 2020 11:22 AM
Cc: Jacob Kipp <jkipp@electioninnovation.org>; Erica Frazier <efrazier@electioninnovation.org>
Subject: CEIR web briefings on ERIC EBU outreach

Happy Friday ERIC members! (is it Friday? I've lost track). I hope you all are staying safe and healthy right now.

As we've discussed with many of you, CEIR is planning to help you coordinate your ERIC EBU outreach this year, and conduct research documenting the effectiveness of it. As many of you have mentioned, this outreach could be more crucial than ever this year, particularly if the pandemic persists. As other forms of voter registration activity might become difficult, your ability to connect directly with potential voters, directing them to online voter registration rather than paper (where possible), and getting them registered earlier (so that they can be informed of options to vote safely, like mail or early voting), will be particularly important.

CEIR will be holding two identical webinars in a couple of weeks. You only need to attend one. We will discuss generally some best practices that we've seen over the years, our plan and timeline for this year, and have some time for questions and discussion. We encourage you to attend one of these webinars, particularly if this is your first time conducting EBU outreach, and feel free to include others in your office who might be assisting with the outreach. Shane and the ERIC team are supportive of this effort, and we'll try to make sure they can be on both calls as well.

For now, we've created a doodle, and ask each of you (and any other potential attendees) to fill it out as soon as possible and let us know what times work. We'll then schedule the webinars, including video conference info, and you can pick which one works best.

Thanks! Have a great weekend!

David

David J. Becker | Executive Director and Founder
Center for Election Innovation & Research

1120 Connecticut Avenue NW, Suite 1040, Washington, DC 20036
(202) 550-3470 (mobile) | dbecker@electioninnovation.org
www.electioninnovation.org | [@beckerdavidj](https://twitter.com/beckerdavidj)

Figure 18: Becker email to ERIC member states regarding meeting to discuss ERIC EBU

CEIR recruited states to share data for the purpose of research. Becker said a full research report would be published in Spring 2021 and that the findings would be shared with media outlets and lawmakers. In a web briefing, Becker said, "If there is something very wrong, there is always the chance that we won't publish." No report was published or posted on the CEIR website.

New CEIR Project—Using ERIC DATA

One of the most unsettling discoveries from the Georgia FOIA records was the roll out of a new CEIR program to combat "disinformation." The CEIR pitch is that this "free service" will enable states to communicate with voters via text message and email. Giving this type of power and access to a partisan organization that is funded by Zuckerberg would be a disaster for our nation and could make the CTCL impact look like child's play.

"This year, Becker is conducting a small pilot program to test a new technology designed to assist state election officials in combating foreign and domestic

disinformation on social media and email. The system is intended as a response tool for neutralizing misleading posts about such topics as voting times, reports of COVID exposures, and long lines at polling centers. However, in keeping with the maxim that the best defense is a good offense, Becker suggested that the system can also be used proactively to disseminate true and accurate information that helps voters better navigate the confusing circumstances of the election."

In the GA FOIA (pg 1285) Becker says,

"CEIR has built a new, secure electronic messaging tool called REVERE, which will enable states to draw on phone numbers and email addresses contained in the voter file, and send texts, emails, and even voicemails to any set of voters (a particular precinct or county, older voters, etc.) rapidly. This will allow states to proactively communicate with voters about how to vote effectively (deadlines, early voting, etc.), send links to official websites (drop box and early voting locations), and rapidly respond to disinformation."

This tool is built for use with the data shared by ERIC member states. CEIR has agreements like the PA agreement in other states. While CEIR and ERIC come as a package deal, this is incredibly dangerous.

In September 2020, David Becker said, "the threat of disinformation could greatly diminish voters' confidence in democratic process." CEIR is engaged in "more effective civic outreach to adapt processes to our new reality, combat disinformation, and inform voters of their options." Becker reported that the Zuckerberg funds would allow "CEIR to further scale up this work."⁸

Is it proper to entangle the private motivations of CEIR and ERIC with the governmental role to execute elections, placing the power to judge what is disinformation, and whom to distribute it to, in the hands of this public/private partnership?

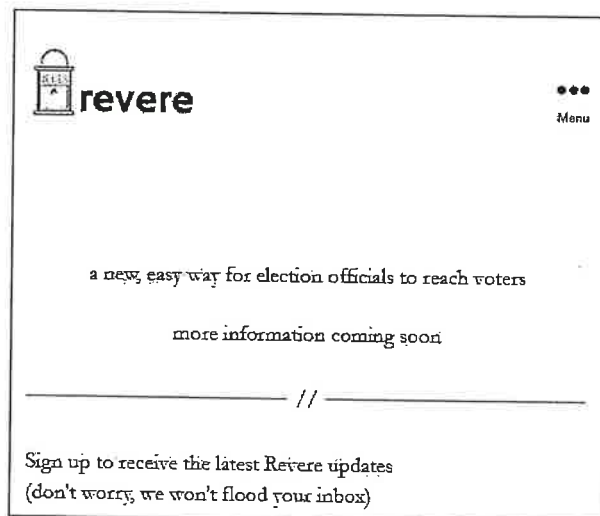


Figure 19: The REVERE program promises an easy way for election officials to reach voters.

Exiting ERIC

Louisiana Secretary of State Kyle Ardoin announced in January 2022, that they were suspending the state's participation in ERIC. Ardoin cited "Reports about potential questionable funding sources and that possibly partisan actors may have access to ERIC network data..." The records obtained by Verity Vote show that these are no longer just concerns but verified facts.

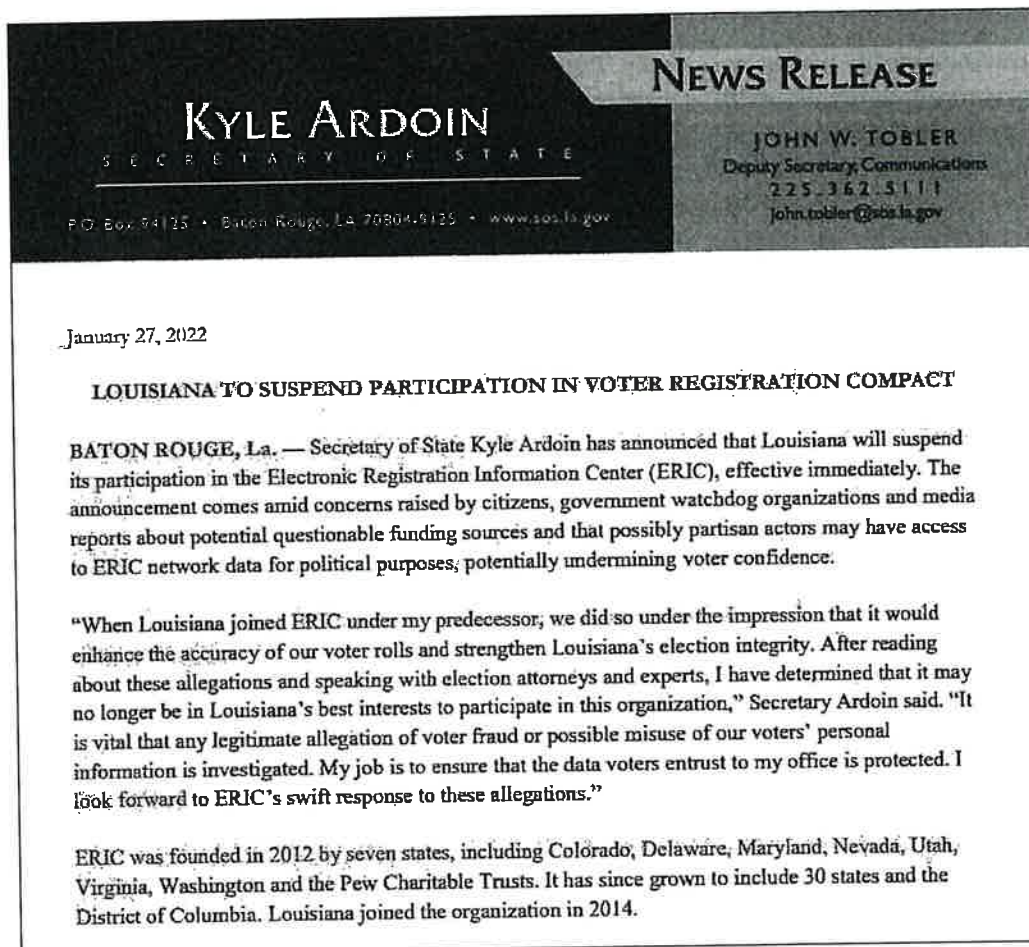


Figure 20: Louisiana suspends participation in ERIC.

The ERIC Contract makes it difficult for members to resign. It prohibits resignation within 91 days of a federal general election. If member states plan to resign as a result of these findings, they must issue notice by the end of July.

Section 7. Resignation.... A member must provide a minimum of 91 days notice before their resignation is effective, provided however, that any notice of resignation that would otherwise become effective during the 91 days preceding a federal general election will not be effective until the first business day following the federal general election...If the sole reason for member's resignation is

a material breach by ERIC of the Membership Agreement, member may not issue a notice of resignation in accordance with this section unless: a) it has provided written notice to ERIC of the alleged breach; and b) within thirty (30) days (or such other time specified in the Membership Agreement) of receiving such notice from member, ERIC is unable to cure the breach or determines the breach cannot be cured.

PA Lawsuit Reveals Voter Registration Vulnerabilities

The Commonwealth of Pennsylvania, Department of State and Veronica Degraffenreid filed a case in Commonwealth Court against Senators Cris Dush, Jake Corman, and the Pennsylvania State Senate Intergovernmental Operations Committee (Case No. 322 MD 2021). The Department of State argued that releasing the list of registered voters would allow bad actors to control the voters' registrations and even their votes. This reveals what the DoS believes to be serious vulnerabilities of the Commonwealth's voter registration system.

© *"The disclosure of this sensitive, personally-identifying information carries real risks of identity theft and financial fraud, especially when compiled together for all nine million Pennsylvania registered voters in one dataset...In analogous situations earlier this year where voter data was shared outside official election channels, data breaches occurred. This information also enables bad actors to conduct targeted voter intimidation efforts. Moreover, bad actors who gain access to this information would have all the data they need to control the voters' registrations, and even their votes, and thus, the Subpoena actually increases the risk of disruption to elections and to registered voters' attempts to cast their vote".⁹*

The DoS described concerns about serious vulnerabilities in the Pennsylvania voter registration and mail ballot systems. They reveal that bad actors who gain access to information about registered voters could use that information to control the their registration file and even their vote. These concerns must certainly apply to eligible but unregistered Pennsylvanians as well. Knowledge of the DoS reported vulnerabilities are even more alarming when considering the Pennsylvania Department of State Directive from 2018 which makes it clear that counties may not reject voter registrations based on a non-match between the identifying numbers provided by the applicant and the official database numbers.

If the county received an online registration where the last four digits of the SSN do not match the records of the Social Security Administration for the name and date of birth provided, the county may not reject the registration.¹⁰ That voter must be registered. Pennsylvania has no voter ID requirements, so there are numerous unverified active voters on the voter rolls. Based on the DoS assertions about control of the votes (ballots) by bad actors, these unverified voters pose a particular threat to election integrity in the Commonwealth. Believing as the DoS does and with the stakes so high, why would the DoS authorize release of data to CEIR or even ERIC?

Pennsylvania's Agreements with CEIR

The laws and rules for the conduct of elections are supposed to be determined by legislators. Instead, Boockvar used her office to make rules, change laws and expand her authority by giving away private data to CEIR in exchange for Zuckerberg's money. Zuckerberg donated at least \$70M to CEIR, \$13M of that, nearly 20%, went to the PA Department of State. While PA legislators have taken action to prevent the funding of voter registration and election activities by partisan outside organizations, they are now considering expanding the relationship with ERIC.

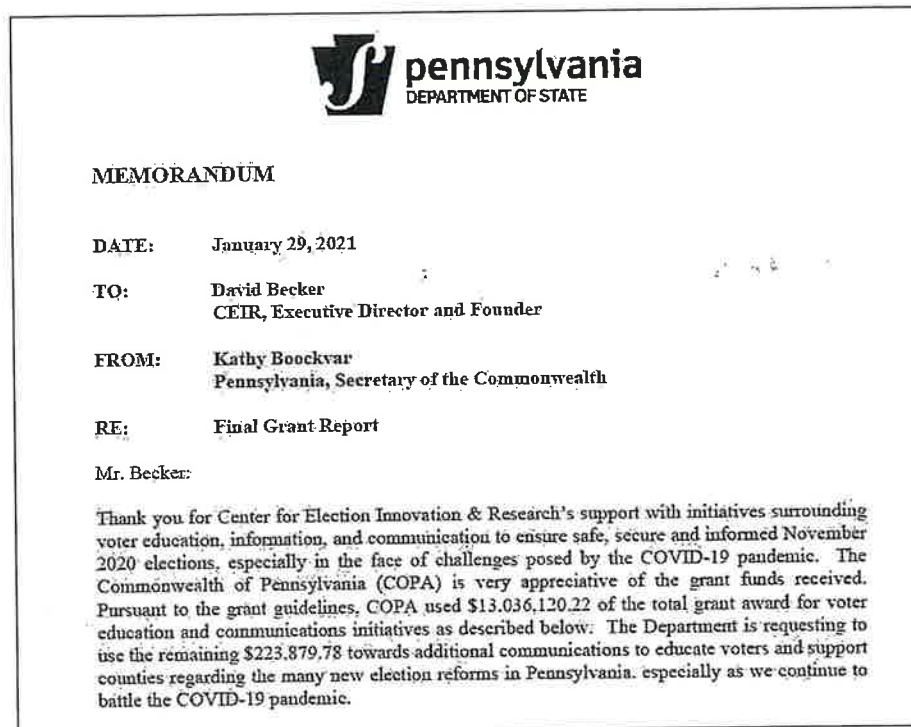


Figure 21: Screenshot of DoS Letter to CEIR Regarding Grant Spending—confirming the \$13M received

The \$13 million grant was purportedly for voter education to ensure safe and secure voting in the face of a pandemic. In reality, it was a well-funded media blitz executed mostly in Philadelphia and Allegheny counties. The messaging primarily focused on promoting voting by mail in heavily Democrat areas of the state. The DoS even spent \$400,000 dollars on aerial banners flown around the city skylines.

EBU Contract with CEIR in PA


Boockvar signed the "EBU outreach" contract with CEIR the day before her office received \$12 million grant from CEIR. In what appears to be an exchange of \$12 million of Zuckerberg funds, Boockvar agreed that CEIR shall:

"own all right, title and interest, including all copyright interest, in and to any work product created in connection with the Grant project ("Project Work Product"), for example, communications, paid media, etc. Grantee hereby grants CEIR a nonexclusive, irrevocable, worldwide, royalty-free license to use any Project Work Product in connection with its research, educational initiatives, or other work. In addition, should CEIR wish to conduct research to study the initiatives funded by the Grant, for example, measuring the impact of the educational communications, Grantee agrees to cooperate with CEIR, including providing data, as CEIR reasonably requests." This is just an excerpt from the CEIR contract signed by Boockvar on September 29, 2020."

The eligible but unregistered (EBU) data is data from PA residents that have chosen not to register to vote. Boockvar gave the personally identifiable information (PII) of millions of Pennsylvanians to CEIR through the relationship with ERIC. CEIR's activities were funded by Zuckerberg. Boockvar also agreed to keep details of the CEIR funders and relationships strictly confidential.

"Grantee shall, and shall cause any of its affiliates, partners, trustees, directors, officers, employees, volunteers, agents and representatives, to keep strictly confidential and protect from disclosure i) any information Grantee receives from CEIR relating to CEIR's funders or funding agreements or arrangements; (ii) any information Grantor identifies as confidential at the time of disclosure, except to the extent that any such information identified in (i) and (ii) above has been publicly disclosed; (iii) as required by law, in which case Grantee will provide reasonable advance notice to CEIR; or (iv) with the prior written consent of CEIR. Grantee understands and agrees that that Grantor shall be entitled, to the fullest extent permitted by law, to seek equitable relief such as an injunction or specific performance for any breach of this provision."

These agreements for data sharing did not end when Boockvar resigned. PA is still sharing the data. On April 5, 2021, Veronica Degraffenreid, Acting Secretary of the Commonwealth, signed an amendment to the CEIR contract. Degraffenreid was comfortable sharing data about voters and citizens who have chosen not to register to vote with Zuckerberg funded CEIR but went to court to keep that data from the PA Senate.



MEMORANDUM

DATE: September 14, 2020

TO: David Becker
CEIR, Executive Director and Founder

FROM: Kathy Boockvar *Kathy Boockvar*
Pennsylvania, Secretary of the Commonwealth

RE: Grant to support additional ERIC outreach

Mr. Becker:

Thank you for the opportunity to partner with the Center for Election Innovation & Research to support additional ERIC outreach in the lead up to the 2020 general election. The Commonwealth of Pennsylvania (COPA) is requesting a grant for the following activity and providing the information you requested:

1. **Contact Information:**
 - a. Name: Kimberly Mattis
 - b. Title & Agency/Gov't Affiliation: Director, Bureau of Finance and Operations, PA Department of State
 - c. Phone: work- (717) 772-5193 or cell- (717) 364-5798
 - d. Email: kmattis@pa.gov
2. **Fund Delivery:** The COPA requests the funds be sent directly to the state. Wire information can be provided upon request to facilitate this transfer.
3. **Outreach Project:** The COPA is completing outreach to additional citizens included on the ERIC "EBU refresh" list.
 - a. We will mail 4 x 6 postcard notifications to 2,114,865 eligible citizens identified by ERIC.
 - b. Each postcard will cost approximately \$0.34 including printing and postage.
 - c. In total, the estimated project costs are \$719,054.10.

Grant Request Amount: \$719,000.00

Should you have any questions or need additional information, please let us know.

Figure 22: Letter to CEIR about ERIC EBU Outreach.

DoS Withheld Responsive Public Records

On March 18, 2021, a Right to Know (RTK) request was submitted to the PA Department of State. The request was for records related to the DoS and CEIR and included:

- A digital copy of the signed agreement for the CEIR Funds.
- A digital copy of a report submitted to CEIR documenting how the CEIR funds were utilized by the Department of State.
- Copies of emails to/from employees, representatives, or volunteers with CEIR.

The DoS granted the request and provided some records but did not provide any emails. At that time, Verity Vote had no evidence that emails existed so was unable to appeal the RTK. Recently, records were obtained from the Department of State in Georgia which show that the PA DoS, in fact, had responsive records that were not produced. This is a violation of the RTK Law. The Department of State did not produce records that were responsive to the request and did not deny the request. The agency is obligated to produce all responsive records for which there is no exemption. Fig. 23 contains a screenshot showing just one of many emails from CEIR to various states that included PA.gov recipients. Jonathan Marks from the Department of State is on the distribution for the sample

email below.

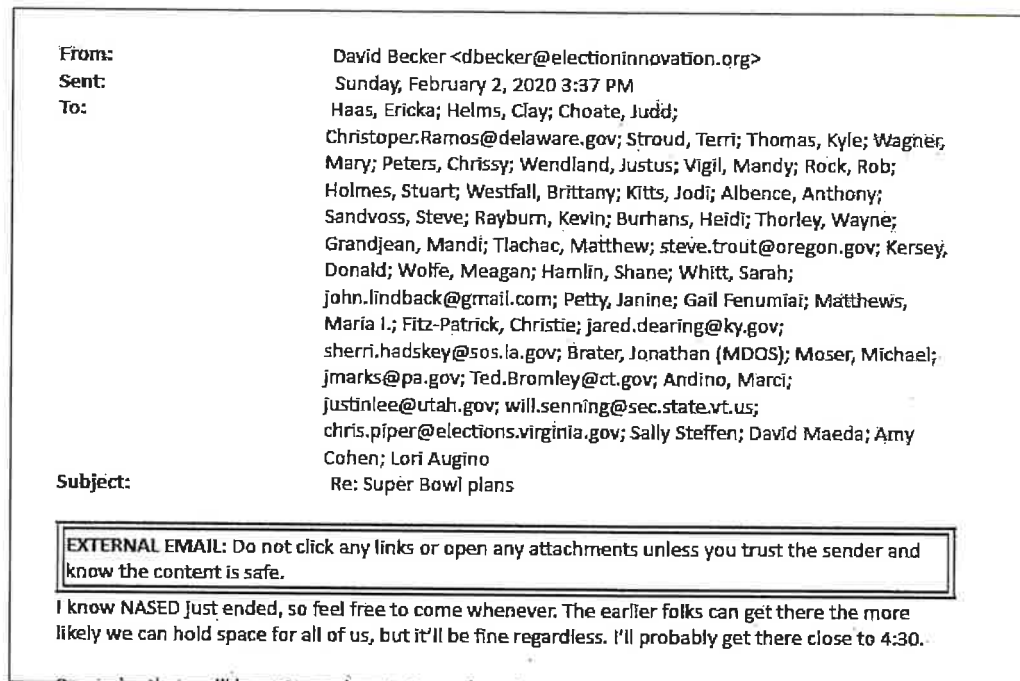


Figure 23: Excerpt of email from Becker at CEIR to Jonathan Marks, PA DoS. The PA Department of State withheld records in Violation of the RTKL.

Michigan EBU Outreach in 2020

In November 2018, Michigan voters adopted proposal 18-3 which amended the MI constitution to allow automatic voter registration when applying for, updating, or renewing, a driver's license or a state issued non-driver identification card. See official language below:

The following is the official language as it will appear on the November 2018 general election ballot:

Proposal 18-3

A proposal to authorize automatic and Election Day voter registration, no-reason absentee voting, and straight ticket voting; and add current legal requirements for military and overseas voting and postelection audits to the Michigan Constitution

This proposed constitutional amendment would allow a United States citizen who is qualified to vote in Michigan to:

- Become automatically registered to vote when applying for, updating or renewing a driver's license or state-issued personal identification card, unless the person declines.
- Simultaneously register to vote with proof of residency and obtain a ballot during the 2-week period prior to an election, up to and including Election Day.
- Obtain an absent voter ballot without providing a reason.
- Cast a straight-ticket vote for all candidates of a particular political party when voting in a partisan general election.

Should this proposal be adopted?

☐ YES

☐ NO

Figure 24: Proposal that amended the Michigan Constitution and so changed the State's voting.

The Michigan automatic voter registration law became effective in December 2018. Section 168.493a gives the Secretary of State authority to make voter registration the default selection when people apply for, renew, or update a driver's license, chauffeur's license or an official state non-driver identification card. This law authorizes automatic voter registration unless the individual takes the overt action of declining to register. However, the law limits this automatic voter registration (AVR) to three types of transactions associated with Michigan vehicle code. The ballot proposal was specific in the language describing the type of transactions that would enable the AVR.

In September 2019, Secretary Benson began the roll out of automatic voter registration for mail based transactions. Benson said, "The Department of State will be adding automatic voter registration for mail-based transactions in the coming months." In September of 2020, Benson further expanded automatic voter registration by sending the mailer below to tens of thousands of Michiganders who had previously declined to register. Here, a person would be registered if they discarded, ignored, or even if they never received the mailer. What statutory authority Benson had to register people by this method is unclear. This appears to be an overly liberal interpretation of the automatic voter registration authorization granted in 168.493a.



Figure 25: Michigan EBU Mailer.

As the mailer indicated, approximately thirty days after the mailers were sent, over 114,000 people were automatically added to the voter rolls. This was an unprecedented spike in single day new registrations. See below the new registrations by date from February 2016 through November 2020.

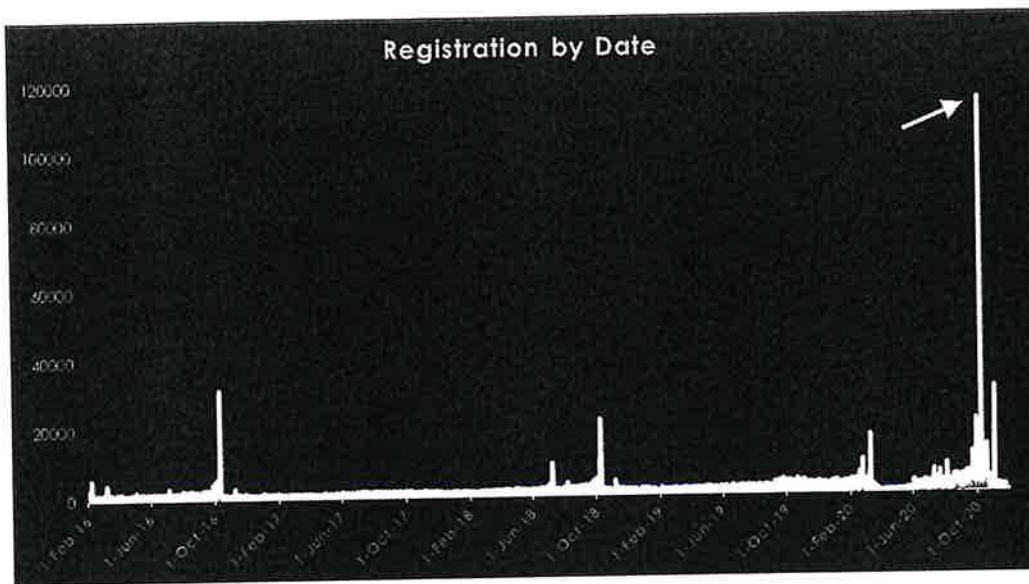


Figure 26: (Source: Michigan SoS December 2020 QVF)

Some of the 114K registrations added on October 9, 2020, may have requested or desired to register. However, only about 22K of the 114K newly registered voters actually voted in the 2020 General Election. The QVF History data shows a remarkably low turnout for this subset of newly registered voters.

EBU Research and Grants

Many of the member state representatives that agreed to allow CEIR to provide the lists for the ERIC required EBU outreach did so under the guise of a research study. Becker said that CEIR would share the research findings and best practices with election officials, voters, media organizations and lawmakers. The scheduled release of the report was Spring 2021. When selling the study to ERIC members, Becker said they would definitely publish the results, but, "If there is something very wrong, there is always the possibility that we won't publish." The EBU report was not published. This begs the question, was something very wrong with the results or did CEIR want the EBU data for some other activity?¹¹

State	Net Grant Amount
Arizona	\$ 4,788,444
Connecticut	\$ 2,100,000
DC	\$ 811,835
Florida	\$ 287,454
Georgia	\$ 5,591,800
Illinois	\$ 2,762,777
Iowa*	\$ 1,075,000
Kentucky	\$ 1,600,000
Maryland	\$ 575,000
Massachusetts	\$ 200,000
Michigan	\$ 11,939,365
Minnesota*	\$ 1,500,000
Missouri	\$ 1,129,391
New Jersey	\$ 6,180,001
New Mexico*	\$ 768,748
New York*	\$ 5,000,000
North Carolina	\$ 1,141,241
Ohio*	\$ 1,128,090
Pennsylvania*	\$ 13,260,000
Rhode Island*	\$ 632,189
South Carolina	\$ 1,071,797
Vermont	\$ 312,615
Washington	\$ 405,000
Total	\$ 64,260,747
* Final grant amount pending. Any unspent funds are to be returned, reducing the total grant.	

Figure 27: CEIR grant amounts by state.

References

¹<https://www.rollingstone.com/politics/politics-features/the-gops-stealth-war-against-voters-247905/>

²A copy of the ERIC agreement was found here: https://ericstates.org/wp-content/uploads/2020/02/ERIC_Bylaws_01-2020.pdf

³https://www.youtube.com/watch?v=iBVaTqN_Wj4

⁴<https://theamericanleader.org/leader/david-becker-making-elections-more-secure/>

⁵<https://legalnewsline.com/stories/555822683-mark-zuckerberg-beneficiaries-promoting-fair-elections-not-exactly-non-partisan-as-advertised>

⁶http://files.pfaw.org/uploads/2018/06/PeopleFor_Annual-Report-2016.pdf

⁷https://www.myfloridaelections.com/portals/fsase/Documents/Conference%20Presentations/2018/ERIC_F_L_2018-15-5.pdf

⁸<https://www.axios.com/mark-zuckerberg-priscilla-chan-election-security-a4950a93-2efd-42a6-9d7a-5fcc763f9214.html>

⁹ https://www.aclupa.org/sites/default/files/field_documents/final_petition_for_review.pdf

¹⁰ <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/HAVA%20Matching%20Directive%202018.pdf>

¹¹https://ericstates.org/wp-content/uploads/2019/01/FINAL_ERIC_2017_Annual_Report.pdf

End of Report
Submitted June 17, 2022
Edited July 1, 2022

Verity Vote
1451 Quentin Rd Ste 232
Lebanon, PA 17042-7562
717.220.8683
verityvote.us

FILED

09-17-2024

Clerk of Circuit Court

Waukesha County

2024CV001544

[ABOUT ERIC](#)[FAQ](#)[WHO WE ARE](#)[HOW DOES IT WORK](#)[SECURITY](#)[THE STATS](#)

AN OPEN LETTER FROM ERIC'S EXECUTIVE DIRECTOR

March 2, 2023

With recent misinformation spreading about ERIC, I want to set the record straight on a few important points.

ERIC is a non-profit membership organization created by state election officials to help improve the accuracy of state voter rolls and register more eligible Americans to vote. This has been our mission since 2012.

We are a member-run, member-driven organization. State election officials – our members – govern ERIC and fund our day-to-day operations through payment of annual dues, which they set for themselves.

We analyze voter registration and motor vehicle department data, provided by our members through secure channels, along with official federal death data and change of address data, in order to provide our members

EXHIBIT 7

with various reports. They use these reports to update their voter rolls, remove ineligible voters, investigate potential illegal voting, or provide voter registration information to individuals who may be eligible to vote.

ERIC is never connected to any state's voter registration system. Members retain complete control over their voter rolls and they use the reports we provide in ways that comply with federal and state laws.

We follow widely accepted security protocols for handling the data we utilize to create the reports. Our servers are housed in a managed, secure data center located here in the U.S. Secure remote access to the data center is limited to only employees who need it to perform their duties.

ERIC's Washington, D.C. address is a mailing address only. Like other organizations, our employees work remotely. ERIC members are aware of this arrangement. This approach reduces operating costs without sacrificing security or our ability to serve our member's needs.

We will remain focused on our mission by providing our members with actionable data they can use to keep their voter rolls more accurate, investigate potential illegal activity, and offer voter registration information to those who may need it.

I encourage you to learn more about our organization, how we operate, and the information we provide our members by reading our Frequently Asked Questions and visiting our website.

Shane Hamlin
Executive Director, ERIC

FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544

STATE OF WISCONSIN CIRCUIT COURT OZAUKEE COUNTY
BRANCH 2

SCOTT SIDNEY,

Plaintiff,

v.

Case No. 22-CV-300

Declaratory Judgment: 30701

WISCONSIN ELECTIONS
COMMISSION AND MEAGAN
WOLFE, AS ADMINISTRATOR
OF THE WISCONSIN ELECTIONS
COMMISSION,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
FIRST SET OF DISCOVERY DEVICES**

NOW COMES the defendants, by their attorneys, Attorney General Josh Kaul and Assistant Attorney General Brian P. Keenan, and respond to Plaintiff's First Set of Discovery Requests as follows:

GENERAL OBJECTIONS

1. Defendants object to each of these requests to the extent they seek information protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest doctrine, or other applicable privilege. Only documents not protected by these protections will be provided

and ETF will not disclose privileged information in response to any interrogatory or request for admission.

2. Defendants object to the instructions and requests to the extent they attempt to impose a requirement or obligation not in the Wisconsin statutes.

3. Defendants object to the definition of “Registration List” to the extent the plaintiff intends it to mean anything other than the “official registration list” in Wis. Stat. § 6.36(1)(a) and Wis. Admin. Code EL § 3.50(1)(c). Defendants’ responses are based on this understanding of the term.

4. Defendants expressly reserve their right to supplement each and every response as additional information is discovered in the course of this litigation in accordance with Wis. Stat. § 804.01(5). In answering the interrogatories, Defendants have worked diligently to review documents and consult with witnesses in order to provide thorough responses based on the information Defendants have in their possession, custody and control at this time. Defendants may need to supplement some or all responses.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that Wis. Stat. § 6.36(1)(a) requires WEC to “compile and maintain electronically an official registration list” (the “Registration List”) containing certain information listed in that statutory subsection.

RESPONSE: Defendants admit Wis. Stat. § 6.36(1)(a) provides that WEC “shall compile and maintain electronically an official registration list,”

which “shall contain” the information listed in Wis. Stat. § 6.36(1)(a)1.–16. Defendants deny any characterization of Wis. Stat. § 6.36(1)(a) that is contrary to its express terms.

REQUEST FOR ADMISSION NO. 2: Admit that Wis. Stat. § 6.36(1)(a) was enacted to comply with the Federal Help America Vote Act of 2002 (HAVA).

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. Defendants do not know the motivations of the Legislature in enacting Wis. Stat. § 6.36(1)(a), which occurred before the Wisconsin Elections Commission was created.

REQUEST FOR ADMISSION NO. 3: Admit that Wis. Stat. § 5.02(17) requires that the Registration List mandated by Wis. Stat. § 6.36(1)(a) contain only “electors who are properly registered to vote.”

RESPONSE: Defendants admit that Wis. Stat. § 5.02(17) contains a definition of “registration list,” which is defined as a “the list of electors who are properly registered to vote,” but deny any characterization of Wis. Stat. § 5.02(17) that is contrary to its express terms. Defendants also deny that the Registration List mandated by Wis. Stat. § 6.36(1)(a) contains only electors who are properly registered to vote because the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Registration

List contains the names of some people who are not properly registered to vote or no longer properly registered to vote.

REQUEST FOR ADMISSION NO. 4: Admit that Wis. Stat. § 6.36(1)(a) requires WEC to ensure that the Registration List is devoid of persons who are not “electors who are properly registered to vote.”

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 5: Admit that the December 30, 2021 letter attached as Exhibit A (the “Letter”) is a true and correct copy of a letter sent by WEC to Representative Janel Brandtjen and members of the Assembly Committee on Campaigns and Elections.

RESPONSE: Defendants are not able to admit or deny this request because there was no Exhibit A attached to the requests.

REQUEST FOR ADMISSION NO. 6: Admit that the “State of Wisconsin voter registration program and database” (the “Database”) is synonymous with the term “WisVote.”

RESPONSE: Defendants deny that the “State of Wisconsin voter registration program and database” (the “Database”) is synonymous with WisVote because WisVote encompasses more than just the Database. Defendants, however, admit that the terms of often interchangeable in the context of the issues presented in this case.

REQUEST FOR ADMISSION NO. 7: Admit that the Database is the Registration List for the State of Wisconsin.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 8: Admit that the Registration List for the State of Wisconsin is found within the Database.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 9: Admit that the term “elector” as it is used in Wis. Stat. § 5.02(17) has the same meaning as the term is defined in Article III, Section 1 of the Wisconsin Constitution.

RESPONSE: Defendants admit this request subject to the provisions in Wis. Stat. §§ 6.01–6.25 that further codify the law regarding electors in Wisconsin.

REQUEST FOR ADMISSION NO. 10: Admit that the term “elector” as it is used in Wis. Stat. § 6.36 has the same meaning as the term is defined in Article III, Section 1 of the Wisconsin Constitution.

RESPONSE: Defendants admit this request subject to the provisions in Wis. Stat. §§ 6.01–6.25 that further codify the law regarding electors in Wisconsin.

REQUEST FOR ADMISSION NO. 11: Admit that only persons that are United States citizens age 18 or older who are a resident of an election district in the State of Wisconsin may be “electors” as the term is used in Wis. Stat. § 5.02(17) in the State of Wisconsin.

RESPONSE: Defendants admit this request subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22, and the provision that seventeen year-olds can register to vote if they will be eighteen by election day, Wis. Stat. § 6.05.

REQUEST FOR ADMISSION NO. 12: Admit that only persons that are United States citizens age 18 or older who are a resident of an election district in the State of Wisconsin may be “electors” as the term is used in Wis. Stat. § 6.36 in the State of Wisconsin.

RESPONSE: Defendants admit this request subject to Wis. Stat. § 6.10, which governs elector residence, as well as the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22.

REQUEST FOR ADMISSION NO. 13: Admit that a United States citizen age 18 or older who is a resident of an election district in the State of Wisconsin may only qualify as an “elector” as the term is used in Wis. Stat. § 5.02(17) in the election district in which the person is a resident.

RESPONSE: Defendants admit this request subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22, and the provisions in Wis. Stat. §§ 6.10(5) and 6.18.

REQUEST FOR ADMISSION NO. 14: Admit that a United States citizen age 18 or older who is a resident of an election district in the State of Wisconsin may only qualify as an “elector” as the term is used in Wis. Stat. § 6.36 in the election district in which the person is a resident.

RESPONSE: Defendants admit this request subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22.

REQUEST FOR ADMISSION NO. 15: Admit that only persons that are United States citizens age 18 or older who are a resident of an election district in the State of Wisconsin may be included on the Registration List.

RESPONSE: Defendants admit that, subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22, and the provision that seventeen year-olds can register to vote if they will be eighteen by election day, Wis. Stat. § 6.05, only persons that are United States citizens age 18 or older who are a resident of an election district in the State of Wisconsin should properly be included on the Registration List

REQUEST FOR ADMISSION NO. 16: Admit that an “elector” as the term is used in Wis. Stat. § 5.02(17) cannot be a deceased person.

RESPONSE: Admit. Defendants further state that the statutes provide for how to handle an absentee ballot submitted by an elector who dies before the date of the election. *See* Wis. Stat. § 6.21.

REQUEST FOR ADMISSION NO. 17: Admit that an “elector” as the term is used in Wis. Stat. § 6.36 cannot be a deceased person.

RESPONSE: Admit. Defendants further state that the statutes provide for how to handle an absentee ballot submitted by an elector who dies before the date of the election. *See* Wis. Stat. § 6.21.

REQUEST FOR ADMISSION NO. 18: Admit that a person who is not a resident of an election district of the State of Wisconsin cannot be an “elector” as the term is used in Wis. Stat. § 5.02(17).

RESPONSE: Defendants admit this request subject to Wis. Stat. § 6.10, which governs elector residence, as well as the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and

“military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22.

REQUEST FOR ADMISSION NO. 19: Admit that a person who is not a resident of an election district of the State of Wisconsin cannot be an “elector” as the term is used in Wis. Stat. § 6.36.

RESPONSE: Defendants admit this request subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22, and the provisions in Wis. Stat. §§ 6.10(5) and 6.18.

REQUEST FOR ADMISSION NO. 20: Admit that only electors that are “properly registered to vote” may be included on the Registration List.

RESPONSE: Defendants admit that only electors that are properly registered to vote should be included on the Registration List. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who are not properly registered to vote or no longer properly registered to vote until they are able to be removed from the list.

REQUEST FOR ADMISSION NO. 21: Admit that only persons that are United States citizens age 18 or older may be electors in the State of Wisconsin.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 22: Admit that there are persons on the Registration List who are not citizens of the United States.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who are not properly registered to vote or no longer properly registered to vote until they are able to be removed.

REQUEST FOR ADMISSION NO. 23: Admit that the Registration List contains persons who are not electors that are “properly registered to vote.”

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who

are not properly registered to vote or no longer properly registered to vote until they are able to be removed.

REQUEST FOR ADMISSION NO. 24: Admit that the Registration List contains persons who are not residents of an election district of the State of Wisconsin

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who are not properly registered to vote or no longer properly registered to vote until they are able to be removed.

REQUEST FOR ADMISSION NO. 25: Admit that the Wisconsin law providing the exclusive means by which an elector may request an absentee ballot is Wis. Stat. § 6.86.

RESPONSE: Defendants admit this request subject to the provisions for “overseas electors” as defined in Wis. Stat. § 5.02(12n), *see, e.g.*, Wis. Stat. § 6.24, and “military electors” as defined in Wis. Stat. § 6.22(1)(b), *see, e.g.*, Wis. Stat. § 6.22.

REQUEST FOR ADMISSION NO. 26: Admit that Wis. Stat. § 6.86 contains no provision allowing an elector to request an absentee ballot from WEC.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 27: Admit that persons can request the absentee ballot of a Wisconsin elector utilizing the website myvote.wi.gov ("MyVote").

RESPONSE: Admit subject to the understanding that absentee ballot requests via MyVote are sent to municipal clerks for review, processing and distribution of the absentee ballot.

REQUEST FOR ADMISSION NO. 28: Admit that a persons can request the absentee ballot of a Wisconsin elector utilizing MyVote knowing only the Wisconsin elector's full name, date of birth, and registered address.

RESPONSE: Defendants admit this request to the extent that the elector has photo identification on file with their local clerk per Wis. Stat. § 6.87(4)(b)3.

REQUEST FOR ADMISSION NO. 29: Admit that a person located in another country can request an absentee ballot of a Wisconsin elector utilizing MyVote.

RESPONSE: Defendants admit that a person located in certain other countries can request an absentee ballot of a Wisconsin elector utilizing MyVote. People located in certain countries, however, are blocked by MyVote from requesting an absentee ballot.

REQUEST FOR ADMISSION NO. 30: Admit that a person located in another country can request the absentee ballot of a Wisconsin elector utilizing MyVote knowing only the Wisconsin elector's full name, date of birth, and registered address.

RESPONSE: Defendants admit this request to the extent that the elector has photo identification on file with their local clerk and the person is located in a country that is not blocked by MyVote.

REQUEST FOR ADMISSION NO. 31: Admit that persons have been added to the Registration List that do not exist in real life.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request.

REQUEST FOR ADMISSION NO. 32: Admit that, based on activity performed on MyVote, WEC has requested that municipal clerks send absentee ballots to nonexistent persons.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 33: Admit that the only persons of whom WEC is aware that have fraudulently requested the absentee ballot of a Wisconsin elector have self-reported the act to law enforcement authorities.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 34: Admit that the Registration List contains persons that are deceased.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes have procedures for reviewing the Registration List for deceased voters. See Wis. Stat. § 6.50(2r)(e), (4). The statutes provide that “[t]he municipal clerk or board of election commissioners shall change the registration of deceased electors from eligible to ineligible status by means of checking vital statistics reports.” Wis.

Stat. § 6.50(4). These provisions only make sense if the Legislature understood that Registration List would contain the names of some people who are deceased until they are able to be removed.

REQUEST FOR ADMISSION NO. 35: Admit that the Database contains persons that are deceased.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 36: Admit that the Registration List contains persons whose right to vote has been revoked by a Wisconsin Court because they have been adjudicated as incompetent.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who are not properly registered to vote or no longer properly registered to vote until they are able to be removed.

REQUEST FOR ADMISSION NO. 37: Admit that the Database contains persons whose right to vote has been revoked by a Wisconsin Court because they have been adjudicated as incompetent.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 38: Admit that the Registration List contains persons convicted of a felony.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes contemplate challenges to “the registration of any other registered elector,” Wis. Stat. § 6.48(1)(a), provisions for revising the Registration List in Wis. Stat. § 6.50, , and instructions for when registration status is changed from eligible to ineligible, Wis. Stat. § 6.33(4), which only make sense if the Legislature understood that Registration List would contain the names of some people who are not properly registered to vote or no longer properly registered to vote until they are able to be removed.

REQUEST FOR ADMISSION NO. 39: Admit that the Database contains persons convicted of a felony.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 40: Admit that the Registration List contains persons that have moved out of the State of Wisconsin.

RESPONSE: Defendants lack knowledge or information sufficient to admit or deny this request. However, the Wisconsin Statutes have procedures for reviewing the Registration List for people who have moved. *See* Wis. Stat. § 6.50(3). The statutes provide that “[u]pon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall” take certain actions. *Id.* These provisions only make sense if the Legislature

understood that Registration List would contain the names of some people who have moved out of the State until they can be removed.

REQUEST FOR ADMISSION NO. 41: Admit that the Database contains persons that have moved out of the State of Wisconsin.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 42: Admit that WEC provides access to the Database to Wisconsin's Municipal Clerks.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 43: Admit that WEC knows the identity of all persons who make changes to the Registration List.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 44: Admit that WEC is improperly performing its statutory duty to maintain the Registration List by placing and retaining persons on it who are not electors that are properly registered to vote.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 45: Admit that WEC does not maintain the Registration List.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 46: Admit that WEC has not entered into a membership agreement with Electronic Registration Information Center, Inc. ("ERIC"), for the purpose of maintaining the Registration List.

RESPONSE: Defendants object to this request as vague and ambiguous.

Wisconsin Stat. § 6.36(1)(a)1., "[t]he chief election officer shall enter into a membership agreement with Electronic Registration Information Center, Inc.,

for the purpose of maintaining the official registration list under this section.” Defendants admit that the chief election officer has entered into such an agreement as required by Wis. Stat. § 6.36(1)(ae)1. The defendants deny the request to the extent it seeks an admission of anything other than what has been expressly admitted.

REQUEST FOR ADMISSION NO. 47: Admit that Defendant Meagan Wolfe has entered into a membership agreement with Electronic Registration Information Center, Inc. (“ERIC”), for the purpose of maintaining the Registration List.

RESPONSE: Defendants object to this request as vague and ambiguous. Wisconsin Stat. § 6.36(1)(ae)1., “[t]he chief election officer shall enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of maintaining the official registration list under this section.” Defendants admit that the chief election officer has entered into such an agreement as required by Wis. Stat. § 6.36(1)(ae)1. The defendants deny the request to the extent it seeks an admission of anything other than what has been expressly admitted.

REQUEST FOR ADMISSION NO. 48: Admit that ERIC maintains the Registration List.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 49: Admit that WEC has no legal authority to enter into any agreement with any third-party to maintain the Registration List.

RESPONSE: Defendants object to the relevancy of this request because WEC has not entered into contracts with any third-party to maintain the database. Subject to that objection, Defendants deny the request.

REQUEST FOR ADMISSION NO. 50: Admit that employees and/or agents of ERIC have made changes to the Registration List.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 51: Admit that employees and/or agents of ERIC make changes to the Registration List.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 52: Admit that employees and/or agents of ERIC have made changes to the Database.

RESPONSE: Deny that employees and/or agents of ERIC have made changes to the Database while employees or agents of ERIC, which is how the defendants understand this request. For the sake of transparency, the defendants state that a former employee of WEC (and its predecessor the Government Accountability Board) is now an employee of ERIC, and that person would have made changes to the database while employed by WEC/GAB but has not done so while employed by ERIC.

REQUEST FOR ADMISSION NO. 53: Admit that employees and/or agents of ERIC make changes to the Database.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 54: Admit that employees and/or agents of ERIC have access to the Database.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 55: Admit that WEC is required to comply with HAVA when maintaining the Database.

RESPONSE: Defendants object to this request as vague and ambiguous. Defendants admit that, per the Supremacy Clause, WEC must comply with any federal statute that applies to it. Given that the request does not specify any particular part of HAVA that WEC must comply with or what WEC must do to comply with that part of HAVA, Defendants cannot admit or deny this request with any more specificity.

REQUEST FOR ADMISSION NO. 56: Admit that WEC is required to comply with HAVA when maintaining the Registration List.

RESPONSE: Defendants object to this request as vague and ambiguous. Defendants admit that, per the Supremacy Clause, WEC must comply with any federal statute that applies to it. Given that the request does not specify any particular part of HAVA that WEC must comply with or what WEC must do to comply with that part of HAVA, Defendants cannot admit or deny this request with any more specificity.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person answering, responding, providing information or assisting in answering or responding to these Requests for Admission, Interrogatories, and/or Requests for Production of Documents.

ANSWER: Defendants respond that, other than undersigned counsel the following people were involved with person answering, responding, providing information or assisting in answering or responding to these Requests for Admission, Interrogatories, and/or Requests for Production of Documents:

- Robert Kehoe, Deputy Administrator of WEC
- Sara Linksy, IT Director of WEC
- James Witecha, Chief Legal Counsel of WEC

INTERROGATORY NO. 2: Identify the actions WEC has taken, and currently takes, to “maintain” the Registration List as the phrase “maintain” is used in Wis. Stat. § 6.36.

ANSWER: Defendants object that this interrogatory is vague and ambiguous in asking for “the actions WEC has taken, and currently takes, to ‘maintain’ the Registration List as the phrase ‘maintain’ is used in Wis. Stat. § 6.36.” Subject to that objection, Defendants respond that WEC takes a number of actions to maintain the Registration List.

WEC maintains the Registration List through the centralized user interface of WisVote. The content of the Registration List is revised in the database, through clerk actions (except as otherwise authorized by statutes). The user interface collects information such as a voter’s name, voter registration number, elections they’ve voted in. For example, when a voter registers to vote by completing a paper EL-131 at their clerk’s office – that

paper record is compiled and maintained at the clerk's office. But because WEC is required to compile and maintain the official registration list, the clerk must use the electronic form and fields provided by WEC to include that information on the electronic Registration List. For example, WEC provides the method and mechanism by defining separate columns to collect First, Middle, and Last names. However not all voters have a middle name or even a last name. WEC maintains the mechanism that does not require a middle name and can override the requirement for a last name in those circumstances. Similarly, WEC determines the format of acceptable birth dates so that clerks can maintain their data appropriately. The user interface allows clerks to meet their statutory duties.

WEC works with DET to host the Database, of which the Registration List is one part. WEC is not the only entity with access to the Registration List. Local clerks also have access to the Registration List. WEC maintains several mechanisms to support clerks in this endeavor. WEC provides voter registration list alerts that notify clerks of potential matches from their voter records to other records maintained in the system – death records, felon records, duplicates across voter records in other municipalities. WEC receives felon data from the Department of Corrections and death data from the Department of Health Services. In addition, county registers in probate inform WEC regarding adjudications of incompetency, and WEC staff then enter that

data into Registration List. While WEC maintains the functionality of Registration List Alerts, local clerks review and either accept or deny these matches. Clerks may also view the data to determine matches of challenges against any of their electors.

WEC also maintains the functionality to appropriately district a voter to the appropriate ward or aldermanic district as listed in Wis. Stat. § 6.36(1)(a)3. In the recent redistricting process, WEC staff performed the system updates that updated the boundary lines for these districts on our system address records, which updated the ward and aldermanic assignments of the voters. WEC also maintains the system logic that determines a voter's unique registration number assigned by the commission as described in Wis. Stat. § 6.36(1)(a)4. However, it is a local responsibility to assign an address to a voter, which assigns the ward and aldermanic district.

WEC staff also maintain records that help facilitate other actions required under Wis. Stat. § 6.36. WEC creates election records so that local clerks can associate election participation recorded on the poll books in accordance with Wis. Stat. § 6.36(1)(a)7.

There are many other instances where WEC maintains or creates a record to facilitate the Registration List in Wis. Stat. § 6.36. WEC staff receives and processes notifications of registration of electors in other states. For example, California sent WEC a communication that 5 voters registered there

whose last registered address was in Wisconsin. Using the information available, WEC staff will inactivate those voter records.

INTERROGATORY NO. 3: Identify the actions WEC has taken, and currently takes, to interpret the term “maintain” as the phrase is used in Wis. Stat. § 6.36.

ANSWER: Defendants object that this interrogatory is vague and ambiguous in asking for “the actions WEC has taken, and currently taken, to interpret the term ‘maintain’ as the phrase is used in Wis. Stat. § 6.36.” WEC has not promulgated administrative rules or guidance documents interpreting the word “maintain.” WEC has promulgated rules related to voter registration, which provide that the “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.” Wis. Admin. Code EL § 3.01(16). In addition, WEC follows the Wisconsin Supreme Court’s interpretation of the voter registration statutes as announced in *State ex rel. Zignego v. WEC*, 2021 WI 32, ¶¶ 13–37, 396 Wis. 2d 391, 957 N.W.2d 208. WEC interpreted Wis. Stat. § 6.36 in designing the WisVote interface, so that each item in the statute could be captured through the user interface that clerks must use to maintain their data locally and to fulfill their other duties such as printing the poll list, tracking absentee ballots, etc.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: A copy of the current Database including all standard data fields that are available to the public.

RESPONSE: Defendants object to this request as overly broad and unduly burdensome in requesting the entire Database, which includes many pieces of information, such as polling place records, millions of address points, and others, that are not relevant to this case. In addition, Defendants object that certain voter registration information cannot be provided to members of the public, Wis. Stat. § 6.36(1)(b)1.a., and some registration records are made confidential under Wis. Stat. § 6.47. Further, even with respect to a narrower request for only the voter registration records within the Database, Wis. Stat. § 6.36(6) provides that WEC “shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list,” with the amount of the fee “set, after consultation with county and municipal election officials, at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level.” WEC has established the fee at \$12,500 for the entire Registration List containing voter registration data that is not confidential or protected by law. Wis. Admin. Code EL § 3.50(4). As a result, Defendants believe Wisconsin law does not allow them to provide a responsive document without payment of the statutorily required fee.

REQUEST NO. 2: A copy of the Database as it was constituted at 11:59 p.m. on October 1, 2022.

RESPONSE: Defendants respond that they have no such document. Defendants are not able to recreate the Database as it existed as of a certain date and time in the past.

REQUEST NO. 3: A copy of the Database as it was constituted at 11:59 p.m. on November 3, 2022.

RESPONSE: Defendants respond that they have no such document. Defendants are not able to recreate the Database as it existed as of a certain date and time in the past.

REQUEST NO. 4: A copy of the Database as it was constituted on December 31, 2022.

RESPONSE: Defendants respond that they have no such document. Defendants are not able to recreate the Database as it existed as of a certain date and time in the past.

REQUEST NO. 5: Copies of all contracts with any vendor(s) that currently provide software, firmware, and/or hardware utilized in maintaining the Database.

RESPONSE: Defendants will produce documents responsive to this request, which are invoices for the licenses for certain software programs. The hardware used for the Database is owned and operated by the Wisconsin Department of Administration, Division of Enterprise Technology (DET), and WEC does not have a contract with DET.

REQUEST NO. 6: Copies of all contracts with any vendor(s) that have provided software, firmware, and or hardware utilized in creating and/or

maintaining the Database.

RESPONSE: Defendants will produce documents responsive to this request, which are invoices for the licenses for certain software programs. The hardware used for the Database is owned and operated by DET, and there is no contract between DET and WEC.

REQUEST NO. 7: Copies of any hosting agreement(s) related to the creation and/or maintenance of the Database.

RESPONSE: Defendants respond that they have no such documents. DET hosts the Database, and there is no contract between WEC and DET.

REQUEST NO. 8: Copies of all contracts with any vendor(s) that have provided firmware utilized in creating and/or maintaining the Database.

RESPONSE: Defendants respond that they have no such documents.

REQUEST NO. 9: Copies of all contracts with any vendor(s) that currently provide hardware utilized in maintaining the Database.

RESPONSE: Defendants respond that they have no such documents.

REQUEST NO. 10: A copy of the Registration List as it was constituted on October 1, 2022.

RESPONSE: Defendants respond that it does not have such a document in its possession, custody or control. Defendants are not able to recreate the Registration List as it existed as of a certain date and time in the past.

REQUEST NO. 11: A copy of the Registration List as it was constituted on November 3, 2022.

RESPONSE: Defendants respond that it does not have such a document in its possession, custody or control. Defendants are not able to recreate the Registration List as it existed as of a certain date and time in the past.

REQUEST NO. 12: A copy of the Registration List as it was constituted on December 31, 2022.

RESPONSE: Defendants respond that it does not have such a document in its possession, custody or control. Defendants are not able to recreate the Registration List as it existed as of a certain date and time in the past.

REQUEST NO. 13: A copy of any agreement between WEC and ERIC for the purpose of maintaining the Registration List, including all amendments.

RESPONSE: Defendants object to this request as vague and ambiguous in asking for an agreement “for the purposes of maintaining the Registration List.” ERIC has no role in maintaining the Registration List. Subject to this objection, Defendants will produce responsive documents. Defendants note that the Bylaws and Membership Agreement for ERIC are publicly available at:

[https://ericstates.org/wp-content/uploads/2022/06/ERIC Bylaws and Membership Agreement June 2022 FINAL FOR PUBLICATION.pdf](https://ericstates.org/wp-content/uploads/2022/06/ERIC_Bylaws_and_Membership_Agreement_June_2022_FINAL_FOR_PUBLICATION.pdf)

REQUEST NO. 14: A copy of any agreement between Wolfe or any other “chief election officer” as that term is defined by Wisconsin Statutes and ERIC for the purpose of maintaining the Registration List, including all amendments.

RESPONSE: See Response to Request No. 13.

REQUEST NO. 15: Copies of all documents that evince, verify, show, or otherwise establish the underlying support to any of the answers to these Requests to Admit or Interrogatories.

RESPONSE: Defendants will produce documents responsive to this request, if any exist.

REQUEST NO. 16: Produce all documents referred to by you in responding to any of the preceding Requests for Admission or Interrogatories.

RESPONSE: Defendants will produce documents responsive to this request, if any exist.

REQUEST NO. 17: Produce all documents relied upon by you in preparing a Response to any of the preceding Requests for Admission or Interrogatories.

RESPONSE: Defendants will produce documents responsive to this request, if any exist.

Dated this 20th day of February 2023.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

As to the requests to admit, objections to interrogatories and document requests:

Electronically signed by:

Brian P. Keenan
BRIAN P. KEENAN
Assistant Attorney General
State Bar #1056525

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0020
(608) 294-2907 (Fax)
keenanbp@doj.state.wi.us

FILED

09-17-2024

Clerk of Circuit Court

Waukesha County

2024CV001544

EXHIBIT A

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.

MEMBERSHIP AGREEMENT

This membership agreement (this "Agreement") is made and entered into as of the 17th day of May 2016 (the "Effective Date"), by and between Electronic Registration Information Center, Inc., a Delaware nonstock corporation ("ERIC") and Wisconsin Government Accountability Board (the "Member").

WHEREAS, ERIC was formed for charitable and educational purposes to engage in meaningful, evidence-based reform of the election system in the United States; and

WHEREAS, ERIC seeks to lessen the burdens of government by facilitating the collaboration of states and local government units to conduct research, develop technology, and perform other charitable and educational activities designed to reduce the costs and increase the accuracies and efficiencies associated with their use of voter registration systems; and

WHEREAS, ERIC seeks the direct involvement of states and local government units in furthering its charitable and educational purposes by such states and local government units becoming members of ERIC and furnishing voter registration and other data to help ERIC understand the needs of states and local government units with respect to their use of voter registration systems, and assist state and local government units in making their voter registration lists and processes more accurate, more complete, and fully compliant with federal, state and local laws; and

WHEREAS, in consideration for the Member's performance as described below, ERIC will provide the service to the Members of sharing and processing data that relates to the maintenance of their voter registration lists and provide regular (at least on a monthly basis) reports to the Member.

NOW THEREFORE, in consideration of the foregoing, the terms and conditions hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Annual Dues. The Member shall pay annual dues to ERIC as determined by the Board of Directors of ERIC (the "ERIC Board") pursuant to Article II, Section 5 of ERIC's Bylaws. If the Member fails to pay dues by the date determined by the ERIC Board, ERIC shall not deliver, nor shall the Member receive, any services or data from ERIC until such payment is received. Any Member that fails to pay dues within ninety (90) days of a dues payment deadline shall be *automatically removed* as a Member in accordance with ERIC's Bylaws (the "Bylaws").
2. Voter Files and Motor Vehicle Records. The Member shall transmit to ERIC the following data related to its voter files and motor vehicle records (collectively, the "Member Data").

EXHIBIT A

- a. A reasonable time after admission, the Corporation and the Member will agree upon a 'Certification Date' that obligates the Member to the following two sections herein. The Member shall be notified in writing by the Corporation of the Certification Date.
- b. Within sixty (60) days of the Certification Date, and at least every sixty (60) days thereafter, the Member shall transmit: (1) all inactive and active voter files (excluding those records that are confidential or protected from disclosure by law), including those fields identified in Exhibit B, and (2) all licensing or identification records contained in the motor vehicles database (excluding those fields unrelated to voter eligibility, such as fields related to an individual's driving record), including those fields identified in Exhibit B. Under no circumstances shall the Member transmit an individual's record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States. Should Member believe it has an alternative source of data that is equivalent to or better than the motor vehicle database ("Alternative Data Source"), Member may apply in writing to the Executive Director of ERIC to substitute the Alternative Data Source for motor vehicle data. Such written application shall explain the basis for Member's assertion that the Alternative Data Source is equivalent or better and why using it will effectively serve the goals of ERIC. If, in the Executive Director's assessment, the request is reasonable, the Executive Director shall submit the Member's request to the Board for approval. If membership in ERIC is contingent upon a jurisdiction's ability to use an Alternative Data Source, the jurisdiction may seek approval of a data substitution request in advance of joining ERIC.
- c. If the Member fails to transmit the required Member Data as described above, ERIC shall not deliver, nor shall the Member receive, any Data or services from ERIC until ERIC receives the required Member Data from the Member. Should Member fail to transmit Member Data in any sixty (60) day period as provided in sub-section b, Member shall, upon written notice from ERIC, have a thirty (30) day grace period in which to provide such Member Data. Should this grace period expire without a transmission to ERIC of Member Data from the Member, the Member shall be *automatically removed* from membership in accordance with the Bylaws. Member may submit a written appeal to the Executive Director of ERIC for a reasonable extension of the grace period deadline if Member is unable to meet that deadline because of a technical issue or a problem accessing or receiving the Member Data. Whether or not to grant the extension or to proceed to automatic removal shall be in the sole discretion of ERIC's Executive Director.
3. State Agency Records. The Member shall use its best efforts to transmit, on a regular basis, data relating to individuals that exists in the records of other agencies within its jurisdiction that perform any voter registration functions, including, but not limited to, those required to perform voter registration pursuant to the National Voter Registration Act, 43 U.S.C. 1973gg-5 ("Additional Member Data"). Notwithstanding this section, a state's failure to transmit Additional Member Data under this section shall not affect the Member's compliance with this Section or its standing as a member of ERIC.

EXHIBIT A**4. Privacy; Use of Data.**

- a. **Use and Protection of Data:** The Member and ERIC shall use their best efforts to prevent the unauthorized use or transmission of any private or protected Member Data; Additional Member Data; and data included in reports provided by ERIC ("ERIC Data") (Member Data, Additional Member Data and ERIC Data shall be collectively referred to as "Data") in its possession. The Member represents and warrants that all uses and transmissions of Data originating from the Member to ERIC and/or ERIC's agents, contractors or subcontractors comply fully with applicable state, federal and local laws, rules and regulations. The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.
- b. **Unauthorized Use or Disclosure of Data--Member:** Should there be an unauthorized or impermissible use, disclosure or transmission of Data, regardless of whether it is accidental or intentional (for example, member intentionally sells, distributes, publishes or uses any ERIC Data for any purpose other than election administration, including any commercial purpose) or the responsibility of a third party (collectively, "Unauthorized Disclosure"), Member shall, within ninety (90) days of ERIC receiving notice of the Unauthorized Disclosure a) explain in writing to ERIC that such Unauthorized Disclosure has been cured and how it was cured or, if the breach is not curable, provides a written explanation to ERIC of what steps it has taken to mitigate the risks to ERIC and its Members resulting from such breach; and b) provide a written explanation of what processes it has implemented to prevent such Unauthorized Disclosure in the future. Upon written application, the Executive Director of ERIC, in consultation with the Board Chair, may extend the deadline for Member to comply with this section. At its first meeting following the Member's compliance with sub-sections a and b above, the Board will consider the information submitted by the Member and vote on Member's continued membership. Should Member fail to provide any information in response to sub-sections a and/or b above, Member shall be *automatically removed*. To the extent permitted under each Member's state law, the Member agrees to indemnify, defend and hold harmless ERIC against any claims related to the Unauthorized Disclosure.
- c. **Notice to ERIC:** Each Member shall report to the Executive Director of ERIC as soon as is practicable if a Member is required by law to sell, distribute, publish, disclose or use any ERIC Data for any purpose other than election administration. Each Member shall report to the Executive Director of ERIC immediately upon learning of any Unauthorized Disclosure.
- d. **Unauthorized Disclosure of Data-ERIC:** Should there be an unauthorized disclosure of motor vehicle data by ERIC, whether accidental or intentional or the

EXHIBIT A

responsibility of a third party ("ERIC Unauthorized Disclosure"), ERIC shall immediately give notice to Members. Understanding that ERIC's primary source of funds are fees and dues paid by Members, and subject to consultation and approval by the Board, ERIC agrees to indemnify, defend and hold harmless state motor vehicle agencies against any claims related to an ERIC Unauthorized Disclosure of Data.

This provision 4 shall not be construed to limit any Member's sovereign immunity, rights, claims or defenses which arise as a matter of law or pursuant to any other provision of this Agreement.

5. State Voter Registration Systems. To foster ERIC's goal of improving the accuracy of state voter registration data, Members are strongly encouraged to establish a regular schedule for requesting ERIC Data with a minimum of one request every calendar year. When a Member Representative requests ERIC Data, upon receipt of such ERIC Data, the Member shall take the following actions in connection with the improvement of its state voter registration systems. (If Member rescinds in writing its request for ERIC Data within seven (7) business days of making its original request, the following requirements will not apply.) If a Member fails to make at least one request for ERIC Data for 425 days, ERIC will automatically provide ERIC Data within seven (7) business days of the 425th day, thereby triggering the following requirements.
 - a. When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how to register to vote. Each Member shall have until October 1 or fifteen (15) days before the close of registration, whichever is earlier, of the next Federal General Election year to initiate contact with at least 95% of the eligible or potentially eligible citizens on whom data was provided and address validation was performed, as described above. Members shall not be required to initiate contact with eligible or possibly eligible voters more than once at the same address, nor shall Members be required to contact any individual who has affirmatively confirmed their desire not to be contacted for purposes of voter registration or is otherwise ineligible to vote in the Member's jurisdiction. No later than December 1 (or, if December 1 falls on a weekend, the next business day) following the Federal General Election, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has or has not complied with the provisions of this section. Members that have not complied with this section, or do not provide the written certification, shall be *automatically removed* from membership. If a Member adopts legislation or policies that have the potential to accomplish the objectives of this section by alternative means, Member may apply to ERIC for an exemption from the requirements of this section of the Membership Agreement by sending a written request to the Executive Director of ERIC and the Chair of the Board. Such written application shall explain the basis for Member's assertion that the alternative means will effectively achieve the objectives of this section. If the Executive Director of ERIC and the Chair of the Board believe the request is

EXHIBIT A

reasonable, it shall be presented to the Board for a vote and, if granted, a determination on the timing of implementation of the exemption.]

- b. When the Member receives credible ERIC Data (meaning the state has validated the data) indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided.

Within ten (10) business days of the ninetieth day, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section and, if out of compliance, the extent of such non-compliance. If Member is out of compliance, Member shall have a 30-day grace period, which begins on the 91st day, within which to complete the required contacts. Within ten (10) business days following the expiration of the grace period, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section. If Member is still out of compliance, or fails to provide the certification, Member shall be *automatically removed*.

- c. The Member shall use its best efforts to provide for a mechanism by which any eligible voter whose registration appears to have been erroneously processed or unprocessed shall be offered the opportunity to cast a ballot that will be counted, unless the voter is otherwise ineligible.
 - d. The Member shall use its best efforts to provide for a mechanism by which an eligible voter may register to vote over the internet without need to complete and/or deliver a paper voter registration form.
 - e. The Member shall use its best efforts to provide for a mechanism by which voter registration transactions performed at state agencies is more fully automated and reduces or eliminates paper transactions.
- 6. Single Point of Transfer. The Member shall designate and maintain a single point of transfer of data and a single data source/point of data per data feed.
 - 7. Performance Data. Within 30 days of the date of execution of this agreement, and every one hundred eighty (180) days thereafter, the Member shall report to ERIC data relating to performance under this Agreement, as described in Exhibit C.
 - 8. State Specific Requirements. From time to time, legislation or implementing regulations enabling states to become members of ERIC will contain state-specific membership requirements not applicable to all Members. Such state-specific requirements are set forth in Exhibit D.

EXHIBIT A

9. Publicity. The Member shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of ERIC, or use any logo, trademark, service mark, or business or trading name of ERIC or any other Member of ERIC without the prior written approval of ERIC or the affected Member, as applicable. Furthermore ERIC shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of any Member, or use any logo, trademark, service mark, or business or trading name of any Member of ERIC without the prior written approval of the affected Member.
10. Waiver. No waiver by any party for any breach by the other of any of the provisions of this Agreement shall be deemed a waiver of any preceding or succeeding breach of the same or any other provisions hereof. No such waiver shall be effective unless in writing and then only to the extent expressly set forth in writing.
11. Severability. The provisions of this Agreement are separate and severable, and the invalidity of any of them shall not affect or impair the validity or enforcement of the remaining provisions.
12. Assignment. ERIC may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without the prior written consent of the Members. The Member may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without the prior written consent of ERIC. Any sale, assignment, or transfer in violation of this Section is void and without effect.
13. No Partner or Agency. This Agreement does not constitute or create a partnership or joint venture with any Member or among the Members; appoint any Member as an agent for ERIC or any other Member, or appoint ERIC as an agent for any Member; or create any fiduciary obligations among the Members, except as may be expressly set forth in this Agreement.
14. Amendments. Amendments or modifications of this Agreement shall be effective immediately upon approval of such changes by the entire membership in accordance with Article VI, Section 5 of the Bylaws.
15. Communications; Notices. All communications and notices that are required to be given by ERIC or a Member pursuant to this Agreement must be in writing and sent to the recipient either by electronic mail, personal delivery, overnight commercial courier service, or facsimile. Members may request a preferred method of delivery and the Corporation will make all reasonable efforts to oblige such requests. Communications and notices must be sent using the Notice Details set forth on the signature page of this Agreement, unless these details are changed by delivery of a written notice to ERIC, if the change related to a Member, or the Member, if the change relates to ERIC. The Executive Director of ERIC shall maintain or cause to be maintained a roster of Members that contains a compilation of Notice Details for each Member, and which shall be distributed periodically to the Members.

EXHIBIT A

16. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which when fully executed shall be an original, and all of said counterparts taken together shall be deemed to constitute one and the same agreement.
17. Complete Agreement. This Agreement is the parties' final and binding expression of their agreement and the complete and exclusive statement of its terms. This Agreement cancels, supersedes and revokes all prior negotiations, representations and agreements between the parties, whether oral or written, relating to the subject matter of this Agreement.
18. Headings and Subsections. Section headings are provided for reference and do not constitute part of this Agreement.
19. Definitions. As used herein, the term "state" includes the fifty (50) states, the District of Columbia, and the territories of the United States.

ELECTRONIC REGISTRATION INFORMATION CENTER, INC.By: **Name: Angie Rogers**

Title: Board Chair

Date:

Notice Details:

Name: Angie Rogers
Title: Board Chair
Address: P.O. Box 94125
Baton Rouge, LA 70802-9125
Phone: (225) 922-0900
Fax: (225) 922-0945

With a copy to:

Name: John Lindback
Title: Executive Director
Address: 1155 F Street NW Suite 1050
Washington DC 20004
Phone: (202) 695-3464
Fax: (866) 200-2651

Wisconsin Government Accountability Board/Wisconsin Elections CommissionBy: **Name: Kevin J. Kennedy**

Title: Director and General Counsel

Date: May 17, 2016

Notice Details:

Name: Michael Haas
Title: Elections Division Administrator/
Wisconsin Elections Commission Administrator
Address: PO Box 7984, Madison, WI 53707-7984
212 E. Washington Ave, Third Floor
Madison, WI 53703
Phone: 608-266-0136
Fax: 608-267-0500

With a copy to:

Name: Ross Hein
Title: Elections Supervisor
Address: PO Box 7984, Madison, WI
212 E. Washington Ave
Madison, WI 53703
Phone: 608-267-3666
Fax: 608-267-0500

Note: Effective June 30, 2016 the Wisconsin Government Accountability Board becomes the Wisconsin Elections Commission.

EXHIBIT B**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.**

Voter Registration and motor vehicles data fields to be submitted to ERIC by each participating jurisdiction, if available

1. All name fields
2. All address fields
3. Driver's license or state ID number
4. Last four digits of Social Security number
5. Date of birth
6. Activity dates as defined by the Board of Directors
7. Current record status
8. Affirmative documentation of citizenship
9. The title/type of affirmative documentation of citizenship presented
10. Phone number
11. E-mail address or other electronic contact method

EXHIBIT C**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.****Performance data to be submitted to ERIC by each participating jurisdiction**

Each jurisdiction will have two types of performance data submission:

- A. Prior to receiving the first ERIC reports, the jurisdiction will submit a set of baseline data for a representative period of time to use for comparisons.
- B. After receiving the first ERIC reports, the jurisdiction will begin submitting data for the activity within the specified time period.

Performance Data Points

1. Number of voter registration applications new to the Member's jurisdiction submitted by the voter on a paper form
2. Number of new voter registration applications new to the Member's jurisdiction submitted by the voter electronically
3. Number of updates to a voter's existing voter registration submitted by the voter on a paper form
4. Number of updates to a voter's existing voter registration submitted by the voter electronically
5. Number of records reported from ERIC on In-state Movers report who updated through the jurisdiction's online voter registration system (if available)
6. Election statistics, totals for any federal elections within the period of:
 - a. Number of new voters to the Member's jurisdiction who registered and voted on the same day, where applicable
 - b. Number of updates to a voter's existing registration submitted on the same day on which they voted, where applicable
 - c. Total number of provisional ballots cast
 - d. Total number of provisional ballots counted
 - e. Total number of provisional ballots uncounted, by reason (if available)

Note: for context, ERIC will use voter turnout data from the United States Elections Project (www.electproject.org)
7. Number of individuals for whom contact was initiated and invited to register as a result of reports received from ERIC within the period
8. Number of individuals for whom contact was initiated and invited to correct their registration as a result of reports received from ERIC within the period

Exhibit D**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.****State-Specific Requirements****Illinois:**

In addition to the voter files and motor vehicle records Members must provide to ERIC under section 2 of the Membership Agreement, Illinois, in accordance with state law, is required to transmit to ERIC identification records contained in the Department of Human Services, the Department of Healthcare and Family Services, the Department of Aging, and the Department of Employment Security databases (excluding those fields unrelated to voter eligibility, such as income or health information).

FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544

From: Erica Frazier <efrazier@electioninnovation.org>
Sent: Wednesday, July 22, 2020 5:16 PM
To: Bwestfall@wvsos.com; DKersey@wvsos.com;
chris.piper@elections.virginia.gov; Will.Senning@vermont.gov;
lori.bjornlund@vermont.gov; sanderson1@utah.gov;
justinlee@utah.gov; dbrenchley@utah.gov;
KIngram@sos.texas.gov; CAdkins@sos.texas.gov;
KHart@sos.texas.gov; ABitter@sos.texas.gov; rrock@sos.ri.gov;
jcigna@sos.ri.gov; nlagace@sos.ri.gov; micmoser@pa.gov;
jmarks@pa.gov; vbunting@OhioSOS.Gov;
agrandjean@ohiosos.gov; mtlachac@OhioSOS.Gov;
gfedak@OhioSOS.Gov; Mandy.Vigil@state.nm.us;
jjroberts@sos.nv.gov; wthorley@sos.nv.gov; pstarr@sos.nv.gov;
chris.peters@sos.mo.gov; kendra.lane@sos.mo.gov;
BraterJ@michigan.gov; bourbonaisl@michigan.gov;
williamst9@michigan.gov; BeltonS@michigan.gov;
maryc.wagner@maryland.gov; sherri.hadskey@sos.la.gov;
heather.meyers@sos.la.gov; lani.durio@sos.la.gov;
elizabeth.nguyen@sos.la.gov; Heidi.Burhans@sos.iowa.gov;
KThomas@elections.il.gov; chobson@elections.il.gov;
sterlinginnovative@gmail.com; Hill, Brian; Phifer, Brandon;
Germany, Ryan; Maria.Matthews@DOS.MyFlorida.com;
artesa.anderson@dos.myflorida.com; Christie.Fitz-
Patrick@dos.myflorida.com;
Amber.Marconnet@DOS.MyFlorida.com;
Toshia.Brown@DOS.MyFlorida.com;
Mark.Ard@DOS.MyFlorida.com; ctatum@dcboe.org;
kmunoz@dcboe.org; tstroud@dcboe.org;
Anthony.Albence@delaware.gov;
Christopher.Ramos@delaware.gov; Ted.Bromley@ct.gov;
sarah.murr@sos.state.co.us; judd.choate@sos.state.co.us;
cmhebert@azsos.gov; jpetty@azsos.gov
Cc: David Becker
Subject: Confirming EBU Outreach Next Steps

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

I wanted to take a minute to discuss next steps for this year's EBU outreach. We're currently in the process of blocking off our calendar to help states with their outreach plans, and would like to confirm the date you expect to receive your EBU list from ERIC. We're hoping to hear back from everyone by Wednesday, July 29th.

I've included a general timeline to help you know what to expect and what we'll need from this point forward:

EBU General Timeline

1. The state notifies their mailing service that there will be two rounds of mailers.
2. The state receives the EBU list from ERIC.
3. The state does any internal cleaning and processing that it deems necessary.
4. The state uploads the cleaned EBU list to the ERIC SFTP site, and ERIC securely transfers it to CEIR.
5. CEIR completes a randomization process. This process will produce two lists. The first list will be a small control group. The second, much larger list will receive the first round of mailers (this is the "treatment group").
 - If your state is sending out two different mailers, you will get four lists—one control group and one treatment group for mailer A, and one control group and one treatment group for mailer B.
6. CEIR shares the lists with the state (via ERIC).
7. The state shares the lists with their mailing service.
8. The mailing service will send out the first round of mailers. The mailing service and state should note the date the first-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.
9. At least 14 days later, the mailing service will send out the second round of mailers. The mailing service and state should note the date the second-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.

Once we get your confirmation, we can follow up with one more call or email to nail down the finer points of your state-specific plan and timeline. Please feel free to get in touch if you have any questions.

Thanks for all of your time and thoughtful effort on this; I'm looking forward to hearing from you soon.
Erica

Georgia Secretary of State

Direct: 470-312-2745

Cell: 470-701-6901



From: Gabriel Sterling [<mailto:sterlinginnovative@gmail.com>]

Sent: Wednesday, July 22, 2020 5:17 PM

To: Evans, Blake <bevans@sos.ga.gov>; Harvey, Chris <wharvey@sos.ga.gov>

Subject: Fwd: Confirming EBU Outreach Next Steps

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

----- Forwarded message -----

From: Erica Frazier <efrazier@electioninnovation.org>

Date: Wed, Jul 22, 2020 at 5:16 PM

Subject: Confirming EBU Outreach Next Steps

To: Bwestfall@wvsos.com <Bwestfall@wvsos.com>, DKersey@wvsos.com <DKersey@wvsos.com>, chris.piper@elections.virginia.gov <chris.piper@elections.virginia.gov>, Will.Senning@vermont.gov <Will.Senning@vermont.gov>, lori.bjornlund@vermont.gov <lori.bjornlund@vermont.gov>, sanderson1@utah.gov <sanderson1@utah.gov>, justinlee@utah.gov <justinlee@utah.gov>, dbrenchley@utah.gov <dbrenchley@utah.gov>, KIngram@sos.texas.gov <KIngram@sos.texas.gov>, CADkins@sos.texas.gov <CADkins@sos.texas.gov>, KHart@sos.texas.gov <KHart@sos.texas.gov>, ABitter@sos.texas.gov <ABitter@sos.texas.gov>, rrock@sos.ri.gov <rrock@sos.ri.gov>, icigna@sos.ri.gov <icigna@sos.ri.gov>, nlagace@sos.ri.gov <nlagace@sos.ri.gov>, micoser@pa.gov <micoser@pa.gov>, jmarks@pa.gov <jmarks@pa.gov>, vbunting@OhioSOS.Gov <vbunting@ohiosos.gov>, agrandjean@ohiosos.gov <agrandjean@ohiosos.gov>, mtlachac@OhioSOS.Gov <mtlachac@ohiosos.gov>, gfedak@OhioSOS.Gov <gfedak@ohiosos.gov>, Mandy.Vigil@state.nm.us <Mandy.Vigil@state.nm.us>, jjroberts@sos.nv.gov <jjroberts@sos.nv.gov>, wthorley@sos.nv.gov <wthorley@sos.nv.gov>, pstarr@sos.nv.gov <pstarr@sos.nv.gov>, chrissy.peters@sos.mo.gov <chrissy.peters@sos.mo.gov>, kendra.lane@sos.mo.gov <kendra.lane@sos.mo.gov>, BraterJ@michigan.gov <BraterJ@michigan.gov>, bourbonaisl@michigan.gov <bourbonaisl@michigan.gov>, williamst9@michigan.gov <williamst9@michigan.gov>, BeltonS@michigan.gov <BeltonS@michigan.gov>, maryc.wagner@maryland.gov <maryc.wagner@maryland.gov>, sherri.hadskey@sos.la.gov <sherri.hadskey@sos.la.gov>, heather.meyers@sos.la.gov <heather.meyers@sos.la.gov>, lani.durio@sos.la.gov <lani.durio@sos.la.gov>, elizabeth.nguyen@sos.la.gov <elizabeth.nguyen@sos.la.gov>, Heidi.Burhans@sos.iowa.gov <Heidi.Burhans@sos.iowa.gov>, KThomas@elections.il.gov <KThomas@elections.il.gov>, chobson@elections.il.gov <chobson@elections.il.gov>, sterlinginnovative@gmail.com <sterlinginnovative@gmail.com>, bhill@sos.ga.gov <bhill@sos.ga.gov>, bpheifer@sos.ga.gov <bpheifer@sos.ga.gov>, rgermany@sos.ga.gov <rgermany@sos.ga.gov>, Maria.Matthews@DOS.MyFlorida.com <Maria.Matthews@dos.myflorida.com>, artesa.anderson@dos.myflorida.com <artesa.anderson@dos.myflorida.com>, Christie.FitzPatrick@dos.myflorida.com <Christie.FitzPatrick@dos.myflorida.com>, Amber.Marconnet@DOS.MyFlorida.com <Amber.Marconnet@dos.myflorida.com>, Toshia.Brown@DOS.MyFlorida.com <Toshia.Brown@dos.myflorida.com>, Mark.Ard@DOS.MyFlorida.com <Mark.Ard@dos.myflorida.com>

ctatum@dcboe.org <ctatum@dcboe.org>, kmunoz@dcboe.org <kmunoz@dcboe.org>, tstroud@dcboe.org <tstroud@dcboe.org>, Anthony.Albence@delaware.gov <Anthony.Albence@delaware.gov>, Christopher.Ramos@delaware.gov <Christopher.Ramos@delaware.gov>, Ted.Bromley@ct.gov <Ted.Bromley@ct.gov>, sarah.murr@sos.state.co.us <sarah.murr@sos.state.co.us>, judd.choate@sos.state.co.us <judd.choate@sos.state.co.us>, cmhebert@azsos.gov <cmhebert@azsos.gov>, jpetty@azsos.gov <jpetty@azsos.gov>
Cc: David Becker <dbecker@electioninnovation.org>

Good afternoon,

I wanted to take a minute to discuss next steps for this year's EBU outreach. We're currently in the process of blocking off our calendar to help states with their outreach plans, and would like to confirm the date you expect to receive your EBU list from ERIC. We're hoping to hear back from everyone by Wednesday, July 29th.

I've included a general timeline to help you know what to expect and what we'll need from this point forward:

EBU General Timeline

1. The state notifies their mailing service that there will be two rounds of mailers.
2. The state receives the EBU list from ERIC.
3. The state does any internal cleaning and processing that it deems necessary.
4. The state uploads the cleaned EBU list to the ERIC SFTP site, and ERIC securely transfers it to CEIR.
5. CEIR completes a randomization process. This process will produce two lists. The first list will be a small control group. The second, much larger list will receive the first round of mailers (this is the "treatment group").
 - If your state is sending out two different mailers, you will get four lists—one control group and one treatment group for mailer A, and one control group and one treatment group for mailer B.
6. CEIR shares the lists with the state (via ERIC).
7. The state shares the lists with their mailing service.
8. The mailing service will send out the first round of mailers. The mailing service and state should note the date the first-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.
9. At least 14 days later, the mailing service will send out the second round of mailers. The mailing service and state should note the date the second-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.

Once we get your confirmation, we can follow up with one more call or email to nail down the finer points of your state-specific plan and timeline. Please feel free to get in touch if you have any questions.

Thanks for all of your time and thoughtful effort on this; I'm looking forward to hearing from you soon.
Erica

FILED

09-17-2024

Clerk of Circuit Court
Waukesha County

2024CV001544

Rob Rock

From: Hamlin, Shane <shane.hamlin@ericstates.org>
Sent: Tuesday, January 12, 2021 3:40 PM
To: Rob Rock
Cc: Haas, Ericka; Whitt, Sarah
Subject: RE: [EXTERNAL]: EBU Follow-Up Data Request

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

Hi, Rob.

I've copied Ericka and Sarah to ask them to summarize the steps for getting data to CEIR.

-Shane

From: Rob Rock <rrock@sos.ri.gov>
Sent: Tuesday, January 12, 2021 11:41 AM
To: Hamlin, Shane <shane.hamlin@ericstates.org>
Subject: RE: [EXTERNAL]: EBU Follow-Up Data Request

So we use the same method as we send you our data every 60 days?

Rob Rock



Director of Elections

RI Department of State | Secretary of State Nellie M. Gorbea

Email: rrock@sos.ri.gov | Website: www.sos.ri.gov | Twitter: [@RISecState](https://twitter.com/RISecState)

148 W. River Street, Providence RI 02904 | 401-222-2340

Our Mission: The Rhode Island Department of State engages and empowers all Rhode Islanders by making government more accessible and transparent, encouraging civic pride, enhancing commerce and ensuring that elections are fair, fast and accurate.

COVID-19 (Coronavirus) Operations Alert

The RI Department of State remains open for business during this heightened time of concern for COVID-19 (Coronavirus), however, the Department is taking precautions to ensure the safety of our employees and customers. All in-person services for the Elections Division are available by appointment only. Customers are encouraged to visit our website vote.ri.gov for updated elections information. Elections staff are available by phone Monday - Friday from 8:30a.m. to 4:30p.m. at (401) 222-2340 or via email at elections@sos.ri.gov.

From: Hamlin, Shane <shane.hamlin@ericstates.org>
Sent: Tuesday, January 12, 2021 12:29 PM
To: Rob Rock <rrock@sos.ri.gov>
Cc: Steffen, Sally <sally@steffen-law.com>
Subject: RE: [EXTERNAL]: EBU Follow-Up Data Request

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

Hi, Rob.

Yes, you're good to continue working with CEIR.

CEIR signed an NDA with ERIC for the purpose of assisting ERIC and ERIC members with independent research of ERIC's effectiveness. The NDA applies to ERIC data and information that CEIR receives from ERIC or a member state of ERIC. It includes detailed requirements and restrictions to protect your data/ERIC data.

To facilitate the secure transfer of ERIC and ERIC member data, data should be provided to CEIR via ERIC's secure sFTP server. Member states should not transfer data directly to CEIR. (This should be the same process you used to provide the EBU list to CEIR.)

Hope this helps.

-Shane

From: Rob Rock <rrock@sos.ri.gov>
Sent: Tuesday, January 12, 2021 8:04 AM
To: Hamlin, Shane <shane.hamlin@ericstates.org>
Subject: FW: [EXTERNAL]: EBU Follow-Up Data Request

Shane,
I believe we have an agreement with CEIR on data sharing but I want to double check on 2d. to make sure you are good with that.

Rob

Rob Rock



Director of Elections
RI Department of State | Secretary of State Nellie M. Gorbea
Email: rrock@sos.ri.gov | Website: www.sos.ri.gov | Twitter: [@RISecState](https://twitter.com/RISecState)
148 W. River Street, Providence RI 02904 | 401-222-2340

Our Mission: The Rhode Island Department of State engages and empowers all Rhode Islanders by making government more accessible and transparent, encouraging civic pride, enhancing commerce and ensuring that elections are fair, fast and accurate.

COVID-19 (Coronavirus) Operations Alert

The RI Department of State remains open for business during this heightened time of concern for COVID-19 (Coronavirus), however, the Department is taking precautions to ensure the safety of our employees and customers. All in-person services for the Elections Division are available by appointment only. Customers are encouraged to visit our website vote.ri.gov for updated elections information. Elections staff are available by phone Monday - Friday from 8:30a.m. to 4:30p.m. at (401) 222-2340 or via email at elections@sos.ri.gov.

From: Kyle Upchurch <kupchurch@electioninnovation.org>
Sent: Monday, January 11, 2021 5:12 PM
To: Rob Rock <rrock@sos.ri.gov>
Cc: Erica Frazier <efrazier@electioninnovation.org>; Jenny Lovell <jlovell@electioninnovation.org>; Jacob Kipp <jkipp@electioninnovation.org>
Subject: [EXTERNAL]: EBU Follow-Up Data Request

FILED
09-17-2024
Clerk of Circuit Court
Waukesha County
2024CV001544



♥ Donate

Watch ▾ TV Schedule News Education

Support Us ▾



NEWS

News

Politics Courts Economy Education Social Health Issues Environment Agriculture Science

POLITICS

How often do non-US citizens vote in Wisconsin elections?

Nearly 300,000 residents of Wisconsin who are not U.S. citizens have been issued driver licenses or ID cards — the state elections agency notes its policies in response to concerns raised over fraud.

By [STEVEN POTTER, FREDERICA FREYBERG](#) | Here & Now
April 12, 2024



A proposed state constitutional amendment on the November 2024 ballot in Wisconsin specifies that only a United States citizen age 18 or older may vote in an election for national, state or local office or referendum. The proposal would change current constitutional language from “every” U.S. citizen to “only” a U.S. citizen. Republican authors of the [proposed amendment](#) say it’s needed because some states have allowed non-U.S. citizens to vote in local elections.

With migration being a prime campaign issue, former President Donald Trump is [pushing fears](#) of noncitizens voting.

Convinced of fraud in the 2020 election, people at a [March election education event](#) in West Bend raised a worry over immigrants voting illegally in 2024. Several of those in attendance raised the same concern.

“Our state issues valid driver’s licenses to people who are not citizens and are not eligible to vote,” said one woman. “If one of those individuals possess their driver’s license to register to vote – how do you catch that?”



EXHIBIT 12

RELATED STORIES

Anxiety, outrage dominate West Bend election education event

Another man mentioned the numbers, stating, "...In the last five years, the state of Wisconsin has issued driver's licenses to over a quarter million — non legal, illegal, whatever the right terminology is — immigrants in the state."

That number is correct and refers to non-U.S. citizens who are legally present in the state as permanent residents or temporary visitors.

The Wisconsin Department of Motor Vehicles confirmed to PBS Wisconsin that the agency has issued more than 258,000 driver licenses and 41,000 photo ID cards to non-citizens since 2019.

Those Wisconsin driver licenses or photo IDs are stamped with "limited term" or "non-domiciled" unless the person is a permanent resident noncitizen, whose cards have no such stamp.

To be clear, a valid Wisconsin driver license or state photo ID is required to vote. But noncitizens cannot legally use their IDs or licenses to register and vote.

Despite concerns that they are voting in large numbers, the Wisconsin Elections Commission said that since 2019, there have been three noncitizens who have been referred for prosecution for voting illegally, mostly for misunderstanding their eligibility.

The question of eligibility and citizenship happens before anyone casts a ballot. When registering to vote, a person must certify under penalty of law that they're a U.S. citizen.

The elections commission said non-citizens risk being arrested, jailed and deported if they did vote illegally.

But as to the question of catching that, the Wisconsin Elections Commission explained: "There is no mechanism available 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."

But, the elections commission also said "there is not evidence to support the idea that non-citizens are voting in Wisconsin in significant numbers."

MORE POLITICS





ELECTIONS

Harris presses forceful case against Trump on abortion, economy and democracy in high-stakes debate



ELECTIONS

Anthony Chergosky on political 'outsider' candidates in 2024



COURTS

Wisconsin Supreme Court hearing lawsuit that seeks to prohibit mobile voting sites



COURTS

Wisconsin Supreme Court weighs attempt to make ineligible voter names public



ELECTIONS

Ahead of 2024 election, some voters say they're tired of incivility in politics





POLITICS

'Here & Now' Highlights: Dan Rossmiller

RECENT HERE & NOW



In Focus with Corey Pompey: Directing the UW Marching Band



Black, Latino turnout is pivotal in Wisconsin's 2024 vote



Biden's Westby visit highlights push for rural votes in 2024



Dan Rossmiller on difficulties for Wisconsin schools in 2024



Sec. Cardona promotes rural programs for teacher education

CONTACT

Email:
comments@pbswisconsin.org
 Phone: 800-422-9707
 PBS Wisconsin
 Vias Communications Hall
 821 University Ave.
 Madison, WI 53706
[View map](#) →
[FAQ](#)

EXPLORE

[About Us](#)
[Blog](#)
[Broadcast Channels](#)
[Shop Apparel & Accessories](#)
[Shop DVDs](#)
[Pressroom](#)

JOIN US

[Career Opportunities](#)
[Community Engagement](#)
[Events](#)
[Newsletters](#)
[Travel](#)

SUPPORT US

♥ [Donate](#)
[Door to Door](#)
[Friends of PBS Wisconsin](#)
[Leadership Circles](#)
[Legacy and Planned Giving](#)
[Sponsorship](#)
[Volunteer](#)
[Lucky-Go-Happy Sweepstakes](#)
 Federal Tax ID: 23-7300462

STATEMENT TO THE COMMUNITIES WE SERVE

There is no place for racism in our society. We must work together as a community to ensure we no longer teach, or tolerate it. [Read the full statement.](#)

OUR PARTNERS



^W
PBS Wisconsin is a service of the Wisconsin Educational
Communications Board and the University of Wisconsin-Madison. ©
2024 All Rights Reserved.

FOLLOW US



[Editorial Policies](#) | [Public Inspection Files](#) | [Privacy Policy](#)

5



Pennsylvania admits to 11,000 noncitizens registered to vote



Protesters demonstrate ahead of Pennsylvania's 58th Electoral College at the state Capitol in Harrisburg, Pa., Monday, Dec. 19, 2016. The demonstrators were waving signs and chanting in freezing temperatures Monday morning as delegates began arriving at the state Capitol to ...
Protesters demonstrate ahead of Pennsylvania's 58th ... more >

By Rowan Scarborough and Stephen Dinan
The Washington Times
Wednesday, January 30, 2019

A top Pennsylvania lawmaker called on the state Wednesday to immediately expunge the names of 11,198 noncitizens whom the state confirmed are registered to vote, despite not being eligible.

State Rep. Daryl Metcalfe, a Republican and former chairman of a House government oversight panel, said the administration of Gov. Tom Wolf, a Democrat, belatedly acknowledged the large number of noncitizens in communications over the past two months.

“I believe that we need to take action and have those people removed immediately from the rolls,” Mr. Metcalfe told The Washington Times. “They were never eligible to vote.”

Just days earlier, officials in Texas announced they had found nearly 100,000 noncitizens on the state’s voter rolls.

The numbers, while not yet evidence of massive voter fraud that President Trump said marred the popular vote in the 2016 election, are nonetheless higher than the almost-zero levels of voting mischief that the president’s critics have suggested.

Some of those Trump opponents don’t believe the latest numbers, particularly in Texas, where Hispanic activists sued to stop a potential purge of the noncitizen names that the state identified.

SEE ALSO: Texas finds 95,000 noncitizens on voter rolls

“It’s clear that the right-wing elements in Texas government are trying to rig the system to keep power and disenfranchise 95,000 American citizens,” said Domingo Garcia, national president of the League of United Latin American Citizens. “There is no voter fraud in Texas. It’s a lie repeated time and again to suppress minority voters, and we’re going to

fight hard against it.”

MY TIMES

[VIEW ALL](#) 

Donald Trump says no need for second debate

New Hampshire Gov. Chris Sununu says Kamala Harris won debate but both candidates had 'misses'

Donald Trump says he'll send Donald Harris a MAGA hat

Texas Secretary of State David Whitley used state driver's license records, which include immigration status, and compared those with voter rolls. He found that about 95,000 people whom the state says weren't citizens were among the 16 million registered voters.

Of those, about 58,000 had voted at some point since 1996.

State officials followed a similar process in Pennsylvania after admitting that a glitch in state motor vehicle bureau computers allowed noncitizens to register to vote easily. They, too, matched driver's license records with voter rolls and came up with nearly 11,200 names.

The state did not release the names to Mr. Metcalfe or to Rep. Garth Everett, a Republican and chairman of the House State Government Committee, so they weren't able to figure out how many had cast ballots.

Contacted by The Washington Times, the Pennsylvania Department of State did not provide a comment on its numbers.

Voter integrity advocates said the findings undermine arguments that there is no problem.

“Demonstrating, much less discussing, noncitizen voting activity is the worst form of heresy one can commit for left-wing groups,” said Logan Churchwell, director of communications and research at the Public Interest Legal Foundation, which is involved in lawsuits in Pennsylvania and Texas to try to pry loose voter data.

He and other advocates said states need to act.

“It is the tip of the iceberg,” Tom Fitton, director of the conservative watchdog group Judicial Watch, told The Times. “This shows the urgent need for citizenship verification for voting. The Department of Justice should follow up with a national investigation.”

No state requires proof of citizenship to register to vote. A U.S. District Court judge last year struck down a law championed by then-Kansas Secretary of State Kris Kobach to require citizenship documentation. Kansas took the ruling to the 10th U.S. Circuit Court of Appeals.

Texas, however, will take some verification steps in the future. The secretary of state every month will compare newly registered voters with federal immigration records at the Department of Homeland Security.

“This carries the benefit of being a report plus a reform,” Mr. Churchwell said. “This wasn’t a one-off research project. Texas will be actively screening for existing potential noncitizen registrants on a monthly basis, which is something we’ve long pushed for.”

A coalition of 13 liberal groups, including the American Civil Liberties Union, has challenged Mr. Whitley’s methodology and called his findings suspect.

They said that since driver’s licenses are issued every six years in Texas, the person could have become a citizen after the immigration status was submitted to the Department of Public Safety. The League of United Latin American Citizens says in its lawsuit that more than 50,000 Texans are naturalized each year and that most of them vote in their first election.

To account for that, Mr. Whitley created a process for election boards to notify each of the 95,000 names and ask them to verify whether they are citizens and should remain on the rolls.

In Pennsylvania, the state’s Democrat-led administration has been less enthusiastic about confronting the issue.

After an earlier estimate put the number of noncitizens on state voting rolls at 100,000, Mr. Metcalfe made a right-to-know request under state

law for the voter information. He was preparing to get the information early last year when the Wolf administration objected and went to court to try to keep it secret.

The state Commonwealth Court, an appellate panel, scheduled a hearing for last month — after the November elections. Just a week before the court hearing, the Wolf administration withdrew its appeal and announced that it would turn over the information.

Mr. Metcalfe said the timing was suspicious.

“This governor has been an obstructionist in revealing this information to the citizens, and thereby I believe a participant in allowing this fraudulent activity to occur because it benefits him and his party,” the lawmaker said.

Mr. Trump tried to spark a national debate over voter fraud in 2017 and even created a presidential commission to calculate hard numbers. Plagued by mismanagement, uncooperative states and myriad lawsuits, the panel disbanded early last year.

The noncitizen debate reached the national level in 2014 when Jesse T. Richman, a professor at Old Dominion University, and two colleagues began publishing estimates of thousands and perhaps millions of illegal voters.

Mr. Richman based his numbers on the comprehensive Cooperative Congressional Election Study conducted by YouGov polling and a consortium of colleges. It is one of the few polls that attempts to find noncitizen voters.

The consortium’s professors dismissed Mr. Richman’s work. After whittling down their own polling, they determined that, statistically, “zero” illegal immigrants vote in U.S. elections.

They have allies at the liberal Brennan Center. Two scholars wrote in 2017: “Like voter fraud generally, non-citizen voting is incredibly rare. Simply put, we already know that ineligible non-citizens do not vote in American elections — including the 2016 election — except at negligible rates.”

The National Hispanic Survey, conducted in 2013 by Republican pollster John McLaughlin, found that 13 percent of noncitizen Hispanic respondents said they were registered to vote.

James D. Agresti, who directs research at the Just Facts nonprofit, applied the 13 percent figure to the 2010 census, which found that 11.8 million noncitizen Hispanics were living in the U.S. Mr. Agresti calculated that the number of illegally registered Hispanics could range from 800,000 to 2.2 million.

• *Stephen Dinan can be reached at sdinan@washingtontimes.com.*

• *Rowan Scarborough can be reached at rscarborough@washingtontimes.com.*

Copyright © 2024 The Washington Times, LLC. [Click here for reprint permission.](#)

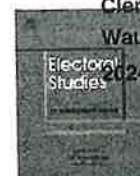
Please read our comment policy before commenting.



ELSEVIER

Contents lists available at ScienceDirect

Electoral Studies

journal homepage: www.elsevier.com/locate/electstud

Do non-citizens vote in U.S. elections?

Jesse T. Richman^{a,*}, Gulshan A. Chattha^{b, c, 1}, David C. Earnest^b^a Department of Political Science, Old Dominion University, BAL 7000, Norfolk, VA 23529, USA^b Old Dominion University, USA^c George Mason University, USA

ARTICLE INFO

Article history:

Received 24 January 2014

Received in revised form 12 August 2014

Accepted 3 September 2014

Available online 21 September 2014

Keywords:

Non-citizen

Voting

Immigrant

Enfranchisement

Vote fraud

Registration

ABSTRACT

In spite of substantial public controversy, very little reliable data exists concerning the frequency with which non-citizen immigrants participate in United States elections. Although such participation is a violation of election laws in most parts of the United States, enforcement depends principally on disclosure of citizenship status at the time of voter registration. This study examines participation rates by non-citizens using a nationally representative sample that includes non-citizen immigrants. We find that some non-citizens participate in U.S. elections, and that this participation has been large enough to change meaningful election outcomes including Electoral College votes, and Congressional elections. Non-citizen votes likely gave Senate Democrats the pivotal 60th vote needed to overcome filibusters in order to pass health care reform and other Obama administration priorities in the 111th Congress.

© 2014 Elsevier Ltd. All rights reserved.

1. Introduction

This analysis provides some of the first available nationwide estimates of the portion of non-citizen immigrants who vote in U.S. elections. These estimates speak to an ongoing debate concerning non-citizen voting rights within the United States (DeSipio 2011; Earnest, 2008; FAIR, 2004; Fund and von Spakovsky, 2012; Hayduk, 2006; Immigration Policy Center, 2012; Munro, 2008; Song, 2009; Von Spakovsky, 2012) and they also speak to broader global questions concerning the normative political place of non-citizens in democratic politics.

Most state and local governments in the United States bar non-citizens from participating in elections (the exception: a few localities in Maryland), but the question of whether non-citizen immigrants can, and should, participate receives varied answers globally (Earnest, 2008) with

many countries offering at least some opportunity for some resident non-citizens to participate in local elections, and some countries offering full participation in national elections.

The United States also has a long history of noncitizen voting at the local, state and national levels. Aylsworth (1931) notes that "during the nineteenth century, the laws and constitutions of at least twenty-two states and territories granted aliens the right to vote." From the founding of the Republic to the early 20th century, various territories and states enfranchised noncitizen residents for several reasons. During westward expansion, several territories offered the franchise to entice European migrants to settle so that territories would meet the population criterion for admission to the Union. Similarly, during Reconstruction several southern states offered the franchise to migrants who would replace slave labor. Later, some states enfranchised so-called "declarant aliens" (resident aliens who declared their intent to naturalize) to educate them about the interests and issues of their communities. Yet the practice of enfranchising noncitizens served less salutary goals as well. By enfranchising only propertied white European men, the practice of noncitizen

* Corresponding author. Tel.: +1 757 683 3853.

E-mail addresses: jesse.travis.richman@gmail.com, jrichman@odu.edu (J.T. Richman), gchat001@odu.edu (G.A. Chattha), dearnest@odu.edu (D.C. Earnest).

¹ Tel.: +1 757 331 0359.

voting reinforced extant prohibitions on voting by women, African Americans, Asian Americans, the poor and others. By the 1920s, however, following the large migrations of the early 20th century, all states had revoked the voting rights of noncitizens (Earnest, 2008, 25–26). Non-citizens voted legally in every presidential election through 1924. By 1928 the last state constitution that protected non-citizen voting (Arkansas') had been amended.

The decision to (dis) enfranchise non-citizens falls within the states' authority to define qualifications for voting. The nineteenth-century practices in various states produced a case-law legacy that most legal scholars conclude permits states to enfranchise noncitizens if legislators so choose. Similarly, on several occasions the Supreme Court has upheld the constitutionality of noncitizen voting because states have the authority to set voter qualifications (Earnest, 2008, 25–26). The question of noncitizen voting is, in the end, a political rather than a legal one.

Within the context of the current nearly universal ban on non-citizen voting in the United States, this study examines the voting behavior of non-citizens. To what extent do non-citizens ignore legal barriers and seize ballot access in U.S. elections? We find that non-citizen participation in U.S. elections is low, but non-zero, with an unusual set of covariates with participation, and the potential to change important election outcomes.

2. Data

The data used for this paper is from the 2008 and 2010 Cooperative Congressional Election Studies, based on the files released by Stephen Ansolabehere (2010, 2011). The 2008 and 2010 Cooperative Congressional Election Studies (CCES) were conducted by YouGov/Polimetrix of Palo Alto, CA as an internet-based survey using a sample selected to mirror the demographic characteristics of the U.S. population. In both years survey data was collected in two waves: pre-election in October, and then post-election in November. The questionnaire asked more than 100 questions regarding electoral participation, issue preferences, and candidate choices.

Four design characteristics make this survey uniquely valuable for our purposes. 1. It has an enormous sample size, which makes feasible sub-population analyses ($n = 32,800$ in 2008 and $n = 55,400$ in 2010). 2. It included a question about citizenship status. 3. Many non-citizens were asked if they voted, unlike other large surveys which filter out non-citizens before asking about voting. 4. Participation and registration were verified for at least some residents in nearly every state for the 2008 survey (Virginia state law barred voting verification).

Inclusion of a validated voting measure is particularly valuable in this context because of important and contradictory social and legal incentives for reporting non-citizen electoral participation. Although variation in the social desirability of voting may skew estimates (Ansolabehere and Hersh, 2012) as for other populations, legal concerns may lead some non-citizens to deny that they are registered and/or have voted when in fact they have done both. Validation of registration and voting was performed by the CCES research team in collaboration with the firm Catalyst.

Of 339 non-citizens identified in the 2008 survey, Catalyst matched 140 to a commercial (e.g. credit card) and/or voter database. The vote validation procedures are described in detail by Ansolabehere and Hersh (2012). The verification effort means that for a bit more than 40 percent of the 2008 sample, we are able to verify whether non-citizens voted when they said they did, or didn't vote when they said they didn't. For the remaining non-citizens, we have only the respondent's word to go on concerning electoral participation, although we do attempt to make inferences about their true participation rate based upon the verified portion of the sample.

About one percent of the respondents in each survey identified themselves as non-citizen immigrants (339 in 2008, 489 in 2010)². In both years the sample likely includes individuals drawn from more than one category of non-citizen (ranging from permanent resident aliens to those on short-term student visas). In the context of the 2010 CCES, it is possible to identify the exact citizenship status of some respondents because many provided an open-ended response about their citizenship status when asked why they did not vote. For instance, "I'm a permanent resident," "I have a green card," "waiting on US Citizenship to come through!" and most commonly simply, "not a citizen." No individual specifically identified themselves as an illegal or undocumented resident, although one did indicate that he or she hadn't voted because the individual "didn't have green card [sic] yet." It is possible that some respondents were without any documentation whatsoever (popularly called "illegal aliens"), though this cannot be confirmed or rejected with the information available as no respondent specifically self-identified themselves as illegal or undocumented (but many did not specifically identify themselves as having permanent resident status).

A critical question for this project is whether respondents' self-identification as non-citizens was accurate. If most or all of the "non-citizens" who indicated that they voted were in fact citizens who accidentally misstated their citizenship status, then the data would have nothing to contribute concerning the frequency of non-citizen voting. Appendix 1 includes demographic, attitudinal, and geographical analyses designed to assess whether those who stated that they were non-citizens were in fact non-citizens. It builds a strong construct or concurrent validity case for the validity of the measure. We demonstrate that self-reported non-citizens who voted had similar racial, geographic, and attitudinal characteristics with non-citizens who did not vote, and that as a whole the non-citizens in our sample had racial, attitudinal, and geographic characteristics consistent with their reported non-citizen status. Given this evidence, we think that the vast majority of those who said they were non-citizens were in fact non-citizens.

² Since the total legal permanent resident population in 2008 of 12.6 million (Rytina, 2012) was approximately four percent of the overall U.S. population, and the total non-citizen adult population in 2011 was 19.4 million (CPS, 2011), the non-citizen population was under-sampled. Nonetheless, the sample that was collected provides the first nationwide sample from which analysts can draw inferences concerning electoral participation by non-citizens in United States elections.

For 2008, the median length of residence at the current address for non-citizens was 1–2 years, with 16.9 percent residing at the current address for less than seven months, and 25.7 percent residing at the current address for 5 or more years. This is considerably more mobile than the overall sample, which has a median length of residence of over 5 years (57.1 percent). In 2010 the median time spent at the current address by non-citizens was 3 years, and respondents were also asked how many years they had lived in their current city with a median response of 5 years. A few respondents have been in the U.S. for a long time. One 2010 respondent explained “I am English although I’ve lived here for 26 years and am balking at becoming a citizen for multiple reasons although I know I really need to do this for my family’s financial future. So I am active in politics and know more than most Americans.”

It is impossible to tell for certain whether the non-citizens who responded to the survey were representative of the broader population of non-citizens, but some clues can be gained by examining education levels. Census bureau estimates (Census, 2012) suggest that the sample contains slightly more college-educated respondents (30.6 percent) than the overall foreign born population (26.8 percent), and many fewer respondents with less than a high-school education (8.3 percent versus 33.3 percent). The paucity of uneducated non-citizens in the sample would in most circumstances be expected to bias sample voting participation upward. However, given our results concerning the association between participation and education (discussed below) it may well be that the paucity of uneducated non-citizens in the CCES sample biases the turnout estimates down rather than up. We confront this issue primarily by weighting the data.

Throughout the analysis (with the exception of the appendix) we report results produced from weighted data. Weight construction began with CCES case weights, but then adjusted these by race to match the racial demographic of the non-citizen population. Our concern with using regular CPS case-weights was that weights were constructed based upon overall demographic characteristics without attention to the demographic character of the non-citizen population. For instance, the Census Bureau estimates (Census Bureau, 2013) that 6.7 percent of non-citizens are Black³. The unweighted 2008 CPS dataset slightly over-counts non-citizen respondents who identified their race as “Black” at 9.1 percent. The weighted 2008 CPS by contrast dramatically over-counts non-citizen respondents who self-identified their race as “Black” at 14.1 percent. We constructed a new weight variable that adjusted the CCES case weight to (1) preserve the actual number of respondents in the sample in the face of a tendency for non-citizens to be in demographic groups receiving higher weights, and (2) match Census Bureau (CPS, 2011) estimates of the racial characteristics of the non-citizen population. Results for weighted data were qualitatively similar to (but somewhat lower than) results

with un-weighted data for the key voting variables. Weighting produces a non-citizen sample that appears to be a better match with Census estimates of the population. For instance, 32.5 percent of the weighted sample had no high school degree.

3. Participatory stages

Participation in U.S. elections requires that would-be voters complete a series of steps including: registering to vote, traveling to a polling place or requesting an absentee ballot and presenting any required identification, and casting a ballot. At each stage, legal barriers to non-citizen voting may lead to lower participation. Only if all stages are surmounted will the non-citizen cast a ballot in a U.S. election. At any stage, concern about the potentially high legal costs of non-citizen voting, or enforcement of official requirements for ballot access may prevent non-citizen voting.

3.1. Registration

Non-citizen voter registration is a violation of election law in almost all U.S. jurisdictions, the lone exceptions are for residents of a few localities in Maryland. Most non-citizens did not cross the initial threshold of voter registration, but some did. In 2008, 67 non-citizens (19.8%) either claimed they were registered; had their registration status verified, or both. Among the 337 immigrant non-citizens who responded to the CCES, 50 (14.8%) indicated in the survey that they were registered. An additional 17 non-citizens had their voter registration status verified through record matches even though they claimed not to be registered. Perhaps the legal risks of non-citizen registration led some of these individuals to claim not to be registered. In 2010 76 (15.6%) of non-citizens indicated that they were registered to vote in either the pre-election or post-election survey waves.

In 2008, the proportion of non-citizens who were in fact registered to vote was somewhere between 19.8% (all who reported or had verified registration, or both) and 3.3% (11 non-citizen respondents were almost certainly registered to vote because they both stated that they were registered and had their registration status verified). Even the low-end estimate suggests a fairly substantial population of registered-to-vote non-citizens nationwide. Out of roughly 19.4 million adult non-citizens in the United States, this would represent a population of roughly 620,000 registered non-citizens⁴. By way of comparison, there are roughly 725,000 individuals in the average Congressional district.

The “adjusted estimate” row presents our best guess at the true percentage of non-citizens registered. It uses the 94 (weighted) non-citizens from 2008 for whom Catalyst obtained a match to commercial and/or voter databases to estimate the portion of non-citizens who either claim to be registered when they are not (35%) or claim not to be

³ Here we combine the categories Black or African American, Black or African American and White, or Black or African American and Native American — 6.6 percent were Black or African American alone.

⁴ The Census Bureau (CPS, 2011) estimates that there were 19.4 million non-citizens age 18 or over living in the United States in 2011.

Table 1
Estimated voter registration by non-citizens.

	2008	2010
Self reported and/or verified	67 (19.8%)	76 (15.6%)
Self reported and verified	11 (3.3%)	N.A.
Adjusted estimate	84 (25.1%)	124 (25.3%)

registered when they are (18%). We then use these numbers to extrapolate for the entire sample of non-citizens in 2008 and 2010. Because most non-citizens who said they were registered were in fact registered, and quite a few who said they were not were actually registered, the adjusted estimate is the highest of the three estimates, indicating that roughly one quarter of non-citizens were likely registered to vote (Table 1).

3.2. Voter identification

Post-registration, another barrier to voting by non-citizens might come in the form of the credential checking that occurs before individuals are permitted to vote on Election Day. In 2008 14 respondents indicated that they did not vote because "I did not have the correct form of identification," and in 2010 29 indicated that they did not vote because of the absence of necessary identification.

Nonetheless, identification requirements blocked ballot access for only a small portion of non-citizens. Of the 27 non-citizens who indicated that they were "asked to show picture identification, such as a driver's license, at the polling place or election office," in the 2008 survey, 18 claimed to have subsequently voted, and one more indicated that they were "allowed to vote using a provisional ballot." Only 7 (25.9%) indicated that they were not allowed to vote after showing identification. These results are summarized in Fig. 1. Although the proportion of non-citizens prevented from voting by ID requirements is statistically distinguishable from the portion of citizens⁵ (Chi-Square = 161, $p < .001$), the overall message is that identification requirements do not prevent the majority of non-citizen voting. The fact that most non-citizen immigrants who showed identification were subsequently permitted to vote suggests that efforts to use photo-identification to prevent non-citizen voting are unlikely to be particularly effective. This most likely reflects the impact of state laws that permit non-citizens to obtain state identification cards (e.g. driver's licenses).

3.3. Voting

There is evidence that some non-citizen immigrants voted in both 2008 and 2010. In 2008, thirty eight (11.3%) reported that they voted, had their vote verified, or both. As with registration, claims of voting and validated

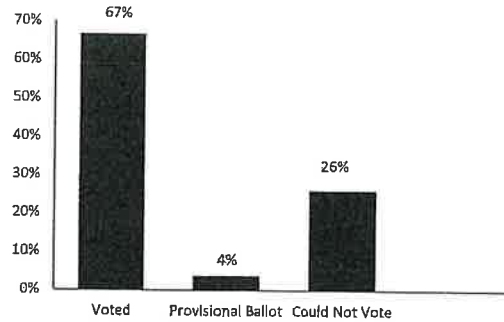


Fig. 1. Outcome of polling-place photo-identification request among non-citizens.

voting did not intersect very often, in part because the voting question was not asked for all non-citizens who had verified voting, and voter file matches were not available for all non-citizens who claimed that they voted. Twenty seven indicated that "I definitely voted in the November General Election" and 16 had validated general election votes. Only five (1.5%) both claimed that they definitely voted and had a validated vote. In 2010 thirteen non-citizens (3.5% of respondents to the post-election survey) indicated that they voted. All 2008 and 2010 reported votes by non-citizens were in violation of state election law as no votes were cast by non-citizen respondents from the Maryland localities which allow non-citizen voting (Table 2).

How many non-citizen votes were likely cast in 2008? Taking the most conservative estimate e those who both said they voted and cast a verified vote e yields a confidence interval based on sampling error between 0.2% and 2.8% for the portion of non-citizens participating in elections. Taking the least conservative measure e at least one indicator showed that the respondent voted e yields an estimate that between 7.9% and 14.7% percent of non-citizens voted in 2008. Since the adult non-citizen population of the United States was roughly 19.4 million (CPS, 2011), the number of non-citizen voters (including both uncertainty based on normally distributed sampling error, and the various combinations of verified and reported voting) could range from just over 38,000 at the very minimum to nearly 2.8 million at the maximum.

The "adjusted estimate" represents our best guess at the portion of non-citizens who voted. As with voter registration, we extrapolate from the behavior of validated voters in 2008 to estimate the portion of non-citizens who said

Table 2
Estimated voter turnout by non-citizens.

	2008	2010
Self reported and/or verified	38 (11.3%)	13 (3.5%)
Self reported and verified	5 (1.5%)	N.A.
Adjusted estimate	21 (6.4%)	8 (2.2%)

⁵ 0.6 percent of all survey respondents were prevented from voting after showing identification.

they voted but didn't, and the portion who said they didn't vote but did. 71 non-citizens answered a survey question indicating whether they voted, and also had their vote validated. Among these, 56 indicated that they did not vote (but two of these cast a validated vote), while 13 indicated they voted, of whom five cast a validated vote⁶. The adjusted estimate of 6.4 percent for 2008 is quite substantial, and would be associated with 1.2 million non-citizen votes cast in 2008 if the weighted CCES sample is fully representative of the non-citizen population. To produce an adjusted figure for 2010 we cut by three quarters the estimated number of non-citizens who voted but claimed they did not (somewhat larger than the drop in the number who self-reported voting). This produces an overall estimate that 2.2 percent voted in 2010.

There has been significant debate in the literature concerning the ideological or political leanings of non-citizen voters. In Belgium for instance, Jacobs (2001) found indications that non-citizens often voted for right wing parties, while others (Bird et al., 2010; Howard, 2009; Janoski, 2010; Joppke, 2003; Rath, 1990) find evidence that left-leaning parties and noncitizens tend to align together. In the 2008 and 2010 U.S. elections, non-citizen voters favored Democratic candidates. Non-citizens who reported voting were asked their candidate preferences, and these preferences skewed toward Democrats. In 2008 66.7 percent reported voting for the Democratic House candidate, while only 20.8 percent reported voting for the Republican candidate. 81.8 percent reported voting for Barack Obama compared to 17.5 percent for John McCain. The difference of proportions is statistically significant using both Chi-Square and z tests ($p < .005$) and substantively large for both the House and Presidential vote cases. Similarly in 2010, 53.8 percent of non-citizens reported voting for the Democratic House candidate while 30.7 percent indicated that they voted for the Republican. These results are summarized in Fig. 2.

These results allow us to estimate the impact of non-citizen voting on election outcomes. We find that there is reason to believe non-citizen voting changed one state's Electoral College votes in 2008, delivering North Carolina to Obama, and that non-citizen votes have also led to Democratic victories in congressional races including a critical 2008 Senate race that delivered for Democrats a 60-vote filibuster-proof majority in the Senate. It is possible to evaluate whether non-citizen votes have changed election outcomes by pairing data on the number of adult non-citizens per state with election margins and our estimates of the frequency with which non-citizens supported Republican and Democratic candidates. For instance each additional non-citizen vote adds an expected 0.643 votes to Obama's vote margin

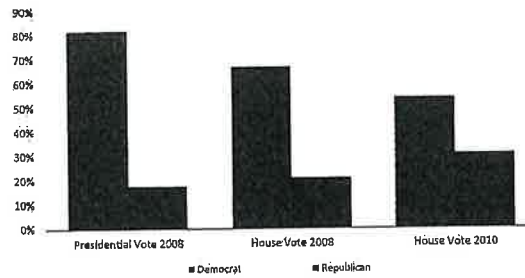


Fig. 2. Partisan vote choice by non-citizens in 2008 and 2010 U.S. elections.

based on the portion of non-citizens who supported Obama and McCain. By multiplying this decimal by the victory margin for Obama (Federal Election Commission, 2009) and then dividing by the number of adult non-citizens in the state (Census Bureau, 2013), we can determine the level of non-citizen voter turnout required for non-citizen votes to have given Obama a state-level victory, and assess whether such a turnout is plausible in light of our turnout estimates.

There were five states in 2008 where less than 100 percent turnout among non-citizens could have accounted for Obama's victory margin. These states, and the required turnout among non-citizens, are shown in Table 3. Virginia (85 percent turnout required) and Nevada (68 percent) are clearly not cases in which non-citizen votes could have changed the outcome. Our estimates of non-citizen turnout are much lower. Similarly, the turnout required for non-citizens to have made the difference in Florida and Indiana (22 percent and 27 percent respectively) is larger than the upper bound of our turnout estimate. By contrast, North Carolina is a plausible case. If more than 5.1 percent of non-citizens residing in North Carolina turned out to vote in 2008, then the vote margin they gave Obama would have been sufficient to provide Obama with the entirety of his victory margin in the state. Since our best estimate is that 6.4 percent of non-citizens actually voted, it is likely though by no means certain that John McCain would have won North Carolina were it not for the votes for Obama cast by non-citizens.

A similar analysis reveals that there was one House race and one Senate race during the 2008 and 2010 election cycles which were close enough for votes by non-citizens to potentially account for the entirety of the Democratic victor's margin. As before this analysis merges Census estimates of the number of adult non-citizens by House district and State with FEC tabulations of final election results. In 2008 there were 22 House races and two Senate races in which the Democratic candidate's winning margin was small enough that less than 100 percent turnout among non-citizens could account for Democratic victory, and in 2010 there were 24 such House districts and three Senate races.⁷ In the two instances shown in Table 4 the required

⁶ This should produce a very conservative measure of the portion who actually voted, as most of the drop off is among individuals for whom registration status could not be verified (and this could be a result of errors in matching a match to consumer data could occur even though a match to voter data has been missed). Among non-citizens with verified registration status, 75 percent of those who reported voting had a verified vote, while 30 percent who reported not voting cast a validated vote.

⁷ Each analysis assumes that non-citizens voted for D and R candidates at the relevant national percentages from that election year and for that office. E.g. 68 percent voted for House Democrats in 2010.

Table 3

Non-citizen turnout required to account for 2008 Obama win of state.

State	Obama victory margin (FEC, 2009)	Number of adult non-citizens (Census Bureau, 2013)	Non-citizen turnout required to account for Obama victory margin
North Carolina	14,177	432,700	5.1%
Florida	236,450	1,684,705	21.8%
Indiana	28,391	165,210	26.7%
Nevada	120,909	275,565	68.2%
Virginia	234,527	427,535	85.3%

turnout is small enough that it is quite likely non-citizen participation led to victory by the Democratic candidate – the necessary non-citizen turnout is within the range of our turnout estimates. As with the presidential-election results above, this analysis suggest that non-citizen turnout is large enough to have had a modest, but real, influence on election outcomes in the US.

The most important race identified in Table 4 is undoubtedly the Minnesota 2008 Senate contest. This race, ultimately decided by 312 votes for Democrat Al Franken, was of critical national importance. It gave Democrats the filibuster-proof super-majority needed to pass major legislative initiatives during President Obama's first year in office. The Patient Protection and Affordable Care Act, for instance, would have had a much more difficult path to passage were it not for Franken's pivotal vote. The MN 2008 Senate race is also the race where the smallest portion of non-citizen votes would have tipped the balance – participation by more than 0.65% of non-citizens in MN is sufficient to account for the entirety of Franken's margin. Our best guess is that nearly ten times as many voted.

4. Is non-citizen voting intentional or accidental?

The fact that non-citizen voting is illegal in most parts of the United States means that those who voted were potentially violating the law. The decision to participate in spite of de-jure barriers may at times be an intentional act of protest against the failure to enfranchise non-citizen residents. On the other hand, some may have violated election laws accidentally because they were unaware of legal barriers to electoral participation.

Education rates may provide some clues concerning the balance between ignorance and activism. If activism

drives non-citizen voting, then participation rates should be higher among better educated individuals who are more likely to be attentive to normative arguments in favor of enfranchising non-citizen residents. If ignorance of legal barriers drives voting, then participation rates should be higher among those who are more poorly educated.

Unlike other populations, including naturalized citizens, (Bass and Casper, 2001; Mayer, 2011) education is not associated with higher participation among non-citizens. In 2008, non-citizens with less than a college degree were significantly more likely to cast a validated vote (Somers'd = -0.17, $p < .001$), and no non-citizens with a college degree or higher cast a validated vote. Non-citizens with more education were also not significantly more likely to self-report voting in 2008 or 2010. This hints at a possible link between non-citizen voting and lack of awareness about legal barriers.

5. Conclusions

Our exploration of non-citizen voting in the 2008 presidential election found that most non-citizens did not register or vote in 2008, but some did. The proportion of non-citizens who voted was less than fifteen percent, but significantly greater than zero. Similarly in 2010 we found that more than three percent of non-citizens reported voting.

These results speak to both sides of the debate concerning non-citizen enfranchisement. They support the claims made by some anti-immigration organizations that non-citizens participate in U.S. elections. In addition, the analysis suggests that non-citizens' votes have changed significant election outcomes including the assignment of North Carolina's 2008 electoral votes, and the pivotal Minnesota Senate victory of Democrat Al Franken in 2008.

However, our results also support the arguments made by voting and immigrant rights organizations that the portion of non-citizen immigrants who participate in U.S. elections is quite small. Indeed, given the extraordinary efforts made by the Obama and McCain campaigns to mobilize voters in 2008, the relatively small portion of non-citizens who voted in 2008 likely exceeded the portion of non-citizens voting in other recent U.S. elections.

Our results also suggest that photo-identification requirements are unlikely to be effective at preventing electoral participation by non-citizen immigrants: In 2008, more than two thirds of non-citizen immigrants who indicated that they were asked to show photo-identification reported that they went on to cast a vote. A potential response to the inefficacy of photo-id at preventing non-citizen voting is found in laws recently passed by Kansas and Arizona that require voter registrants to prove citizenship. By highlighting and emphasizing the citizenship requirement (and by requiring documentation non-citizens should be unable to provide) it seems likely that such laws would prevent more non-citizens from voting. That said, enforcement would be critical for efficacy (and much would depend here upon local election officials), particularly since federal voter registration forms do not require proof of citizenship. In addition, already

Table 4

Non-citizen turnout required to account for democratic congressional victories.

State, district, and year	Democratic candidate victory margin (FEC)	Number of adult non-citizens (Census Bureau, 2013, 2014)	Non-citizen turnout required to account for victory margin
MN Senate (2008)	312	180,020	0.65%
VA 5 (2008)	727	19,845	6.94%

Table A.1
Race and citizenship status.

Race and citizenship status.		Citizenship status					Total
		Immigrant citizen	Immigrant non-citizen	First generation	Second generation	Third generation	
Race	White	647	150	1622	6442	18,002	26,863
		47.0%	44.2%	62.3%	89.1%	85.3%	82.3%
	Black	134	31	91	68	1668	1992
		9.7%	9.1%	3.5%	0.9%	7.9%	6.1%
	Hispanic	353	91	581	405	550	1980
		25.6%	26.8%	22.3%	5.6%	2.6%	6.1%
	Asian	167	55	156	36	30	444
		12.1%	16.2%	6.0%	0.5%	0.1%	1.4%
	Native American	5	0	8	38	260	311
		0.4%	0.0%	0.3%	0.5%	1.2%	1.0%
	Mixed	20	5	68	94	270	457
		1.5%	1.5%	2.6%	1.3%	1.3%	1.4%
	Other	40	5	66	147	320	578
		2.9%	1.5%	2.5%	2.0%	1.5%	1.8%
	Middle Eastern	11	2	13	2	3	31
		0.8%	0.6%	0.5%	0.0%	0.0%	0.1%
	Total	1377	339	2605	7232	21,103	32,656
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

registered non-citizens might well be able to continue voting. In any case such measures would come with significant costs for some citizens for whom the necessary documentation could be challenging to provide.

Ultimately, the results of our analysis provide a basis for informed reflection concerning the role of non-citizens in U.S. elections. They demonstrate that in spite of de-jure barriers to participation, a small portion of non-citizen immigrants do participate in U.S. elections, and that this participation is at times substantial enough to change important election outcomes including Electoral College votes and Senate races. For those who wish to further restrict participation by non-citizens, however, our results also provide important cautions. Simple resort to voter photo-identification rules is unlikely to be particularly effective.

Appendix 1: Validating citizen status self reports

One potential concern about the results presented in this paper is that they might reflect survey response errors. Specifically, if some citizens intentionally or inadvertently indicated that they were non-citizens, this could produce the pattern we find — a small number of apparent non-citizens engaging in the political process. While we find it implausible that citizens would intentionally claim to be non-citizen immigrants, it is possible that some citizens could have inadvertently selected this response. This appendix evaluates that possibility.

Given confidentiality and legal issues, it is not ethically possible to directly verify whether individuals who voted were/are non-citizens. Instead, we examine the construct or concurrent validity by showing that self-reported non-citizens had demographic and attitudinal characteristics one would expect them to have if they were in fact non-citizen immigrants, and that the non-citizens who voted had similar attitudes and characteristics to the non-citizens who didn't vote on questions

where one might expect those who were in fact non-citizen immigrants to be distinct from the broader population.

A.1. Demographic characteristics

Given immigration patterns in recent decades, non-citizens should be more likely to be non-white than the general population surveyed. Table A.1 summarizes the racial characteristics of individuals with various immigration statuses among 2008 survey respondents. Non-citizen immigrants had the lowest percentage of whites, and the highest percentages of Hispanics and Asians. None identified as Native Americans. All analyses in the appendix use unweighted data because the goal is to evaluate the characteristics of the sample.

If the self-declared non-citizens who voted were actually non-citizens, their racial distribution should be similar to that of non-citizens who did not vote.⁸ In Table A.2, we divide non-citizens into two groups: those who voted (said they voted, had a verified vote, or both) and those who did not, and compare their racial characteristics. Non-citizen immigrants who voted are not statistically distinguishable from non-citizen immigrants who did not vote, and several of the non-significant differences in demographic characteristics skew in the direction of demographics less like those of citizens. For instance, there are fewer Whites among the voters than the nonvoters, and more Hispanics and Blacks. Results from 2010 are omitted in the interest of saving space, but they reveal the same patterns, with non-citizens who voted reporting slightly (but not significantly) more racial diversity, and fewer whites than even among non-citizens who did not vote.

⁸ One important caveat is in order: To the extent that non-citizen voting is dependent upon an ability to "pass for" a citizen at the polling place, respondents who looked less like immigrants to election officials might have an easier time voting.

Table A.2

Racial characteristics of non-citizen voters and non-voters, 2008.

		Did not vote	Voted	Total
Race	White	129	21	150
		44.3%	43.8%	44.2%
Black	24	7	31	
		8.2%	14.6%	9.1%
Hispanic	77	14	91	
		26.5%	29.7%	26.8%
Asian	50	5	55	
		17.2%	10.4%	16.2%
Mixed	5	0	5	
		1.7%	0.0%	1.5%
Other	4	1	5	
		1.4%	2.1%	1.5%
Middle Eastern	2	0	2	
		0.7%	0.0%	0.6%
Total		291	48	339
		100.0%	100.0%	100.0%

A.2. Immigration attitudes

The 2010 CCES included a battery of questions on immigration attitudes. These questions provide a good opportunity to use attitudinal variables to check the validity of the citizenship measure. Non-citizen immigrants might be expected to have distinctive positions on immigration issues, given the potential for immigration policy choices to directly affect themselves or their families. The specific immigration questions asked respondents to select as many options as they wished from among a list of items:

What do you think the U.S. government should do about immigration. Select all that apply.

- Fine Businesses
- Grant legal status to all illegal immigrants who have held jobs and paid taxes for at least 3 years and have not been convicted of felony crimes.
- Increase the number of guest workers allowed to come legally to the US.
- Increase the number of border patrols on the U.S.-Mexican border.
- Allow police to question anyone they think may be in the country illegally.
- None of these.

For all of these items, the choices selected by non-citizen immigrants were statistically different from those made by other respondents. The number of respondents and the percent supporting each policy is summarized in Table A.3 below.

Table A.3

Immigration attitudes of citizens and non-citizens (2010 CCES).

	Citizens	Non citizens	Total responses
Fine businesses	1786	6	2438**
Grant legal status	21,162	310	55,234**
	38.7%	63.4%	
Increase border patrol	34,057	201	55,234**
	62.2%	41.1%	
Increase guest workers	659	8	2438*
	27.2%	47.1%	
Allow police to question	26,531	96	55,234**
	48.5%	19.6%	

Chi-Square test: ** difference significant at $p < .001$ level. * Difference significant at $p < .10$ level.

Across all five issues, the difference between citizen and non-citizen responses is statistically significant and substantively large. Those who identified themselves as non-citizens have views that are distinctly different from those who identified themselves as citizens.

To further investigate whether those self-declared non-citizens who voted might have mis-stated their citizenship status, Table A.4 compares the immigration attitudes of non-citizens who said they voted with the immigration attitudes of non-citizens who said they did not vote. Only three questions are included because none of the non-citizens in the subsamples asked the other two questions identified themselves as voters.

Table A.4

Immigration attitudes of non-citizens by voting status (2010 CCES).

	Didn't vote	Voted	Total responses
Grant legal status	285	25	489
	62.6%	73.5%	
Increase border patrol	186	15	489
	40.9%	44.1%	
Allow police to question	87	9	489
	19.1%	26.5%	

Note: All voting status is based on self-reported vote as no votes were verified for 2010 CCES. * Chi-square difference significant at $p < .10$ level.

As expected, there are no significant differences in attitudes toward immigration among respondents who identified as non-citizens, irrespective of whether or not they voted. This is what we would expect if respondents' self-identification is valid. On one of three questions (grant legal status) non-citizens who voted were slightly (not significantly) more likely to take the pro-immigrant position.

A.3. State non-citizen population

If respondents who indicate they are non-citizens are in fact non-citizens, then they should be more likely to reside in states with larger non-citizen populations. To test this idea, we computed the percentage of adult non-citizens per state using Census Bureau (2013) data (2007–2011 American Community Survey 5 year estimates). We then used this percentage to predict whether respondents would indicate they were non-citizens across states on the 2008 CCES. The percentage of non-citizens was a very statistically significant predictor of self-identified non-citizen status in a binary logit analysis ($B = 11.34$, S.E. = 1.05, $p < .0005$), and remained statistically significant with a very similar effect size when analysis was restricted to only individuals who had self-identified or verified votes ($B = 11.25$, S.E. = 2.77, $p < .0005$). Similar results were obtained for 2010, with the analysis of all respondents producing the following coefficient and significance levels ($B = 8.86$, S.E. = 0.88, $p < .0005$) and the analysis of voters producing the following results ($B = 6.4$, S.E. = 3.3, $p < .053$). In 2010 it is once more not possible to reject the null hypothesis that the coefficients are the same.

A.4. Conclusion

The results presented in this appendix support the conclusion that those who identified themselves as non-

citizens had the demographic characteristics one would expect non-citizens to have, and non-citizens who voted were not appreciably different from non-citizens who did not vote in terms of their political attitudes towards immigration, their geographic distribution, and their racial demographics. Therefore, it is unlikely that a substantial number of citizen respondents (inadvertently) indicated that they were non-citizens.

References

- Aylsworth, L.E., 1931. The passing of alien suffrage. *Am. Polit. Sci. Rev.* XXV (1), 114–116.
- Ansolabehere, S., Hersh, E., 2011. Cooperative Congressional Election Study, 2008: Common Content [Computer File] Release 4: July 15, 2011. Harvard University [Producer], Cambridge, MA. <http://cces.gov.harvard.edu>.
- Ansolabehere, S., 2010. CCES Common Content, 2010. http://hdl.handle.net/1902.1/17705_V3 [Version].
- Ansolabehere, S., Hersh, E., 2012. Validation: What Big Data Reveal About Survey Misreporting and the Real Electorate. Paper Prepared for Presentation at the Society for Political Methodology Annual Meeting, Downloaded on May 29, 2013 from: <http://polmeth.wustl.edu/media/Paper/hershpolmeth2012.pdf>.
- Bass, L.E., Casper, L.M., 2001. Impacting the political landscape: who registers and votes among naturalized Americans? *Polit. Behav.* 23 (2), 103–130.
- Bird, K., Saalfeld, T., Wust, A.M. (Eds.), 2010. The Political Representation of Immigrants and Minorities: Voters, Parties and Parliaments in Liberal Democracies. Taylor & Francis, Hoboken, NJ.
- CPS, 2011. Current Population Survey – March 2011 Detailed Tables: Table 1.1. Population by Sex, Age, Nativity, and U.S. Citizenship Status: 2011. Downloaded on December 11, 2013 from: <http://www.census.gov/pnpulation/foreign/data/cps2011.html>.
- Census Bureau, 2012. Educational Attainment in the United States: 2009. Downloaded June 29, 2014 from: <http://www.census.gov/prod/2012pubs/p20-566.pdf>.
- Census Bureau, 2013. Voting Age Population by Citizenship and Race (CVAP) Data File. Downloaded December 11, 2013 from: http://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html.
- Census Bureau, 2014. Table B05003: Sex by Age by Nativity and Citizenship Status – Universe: Total Population, 2007–2011 American Community Survey 5-Year Estimates. Downloaded June 27, 2014 from: http://factfinder2.census.gov/faces/nav/jsf/pages/download_center.xhtml.
- DeSiplo, L., 2011. Immigrant incorporation in an era of weak civic institutions: immigrant civic and political participation in the United States. *Am. Behav. Sci.* 55 (9), 1189.
- Earnest, D.C., 2008. Old Nations, New Voters: Nationalism, Transnationalism, and Democracy in the Era of Globalization. SUNY Press, Albany NY.
- FAIR (Federation for American Immigration Reform), 2004. Illegal Aliens in Elections and the Electoral College (2004). Downloaded on May 29, 2013 from: <http://www.fairus.org/issue/illegal-aliens-in-elections-and-the-electoral-college>.
- Federal Election Commission, 2009. 2008 Official Presidential Election Results. Downloaded December 21, 2013 from: <http://www.fec.gov/pubrec/fe2008/2008presgeresults.pdf>.
- Fund, J., von Spakovsky, H., 2012. Who's Counting?: How Fraudsters and Bureaucrats Put Your Vote at Risk. Encounter Books, New York, NY.
- Hayduk, R., 2006. Democracy for All: Restoring Immigrant Voting Rights in the United States. Routledge, New York, NY.
- Howard, M.M., 2009. The Politics of Citizenship in Europe. Cambridge, New York.
- Immigration Policy Center, 2012. Chicken Little in the Voting Booth: the Non-existent Problem of Non-citizen Voter Fraud. Downloaded on May 3, 2013 from: http://www.immigrationpolicy.org/sites/default/files/docs/chicken_little_in_the_voting_071312.pdf.
- Jacobs, D., 2001. Immigrants in a multicultural sphere: the case of Brussels. In: Rogers, A., Tille, J. (Eds.), *Multicultural Policies and Modes of Citizenship in European Cities*. Ashgate, Aldershot, UK.
- Janoski, T., 2010. The Ironies of Citizenship: Naturalization and Integration in Industrialized Countries. Cambridge, New York.
- Joppke, C., 2003. Citizenship between de- and re-ethnicization. *Eur. J. Sociol.* 44 (3), 429–458.
- Mayer, A.K., 2011. Does education increase political participation? *J. Polit.* 73 (3), 633–645.
- Munro, D., 2008. Integration through participation: non-citizen resident voting rights in an era of globalization. *Int. Migr. Integr.* 9: 43–80. <http://dx.doi.org/10.1007/s12134-008-0047-y>.
- Rath, J., 1990. Voting rights. In: Layton-Henry, Z. (Ed.), *The Political Rights of Migrant Workers in Western Europe*. Sage Publications, London.
- Rytina, N., 2012. Estimates of the Legal Permanent Resident Population in 2011. Population Estimates, DHS Office of Immigration Statistics. http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_lpr_pe_2011.pdf. Downloaded May 28, 2013.
- Song, S., 2009. Democracy and noncitizen voting rights. *Citizsh. Stud.* 13 (6), 607–620.
- Von Spakovsky, H., 2012. The Problem of Non-citizen Voting. The Foundry: Conservative Policy News Blog from the Heritage Foundation. Downloaded May 3, 2013 from: <http://blog.heritage.org/2012/07/20/the-problem-of-non-citizen-voting/>.

FILED

09-17-2024

Clerk of Circuit Court

Waukesha County

2024CV001544

JUST FACTS.

SEIZE THE DATA

(<https://www.justfacts.com/>)

Latest

Core Research

(<https://www.justfacts.com/monetarypolicy>)

Study: 10% to 27% of Non-Citizens Are Illegally Registered to Vote

By James D. Agresti

May 13, 2024



(https://www.facebook.com/sharer/sharer.php?u=https%3A//www.justfacts.com/news_non-citizen_voter_registration)

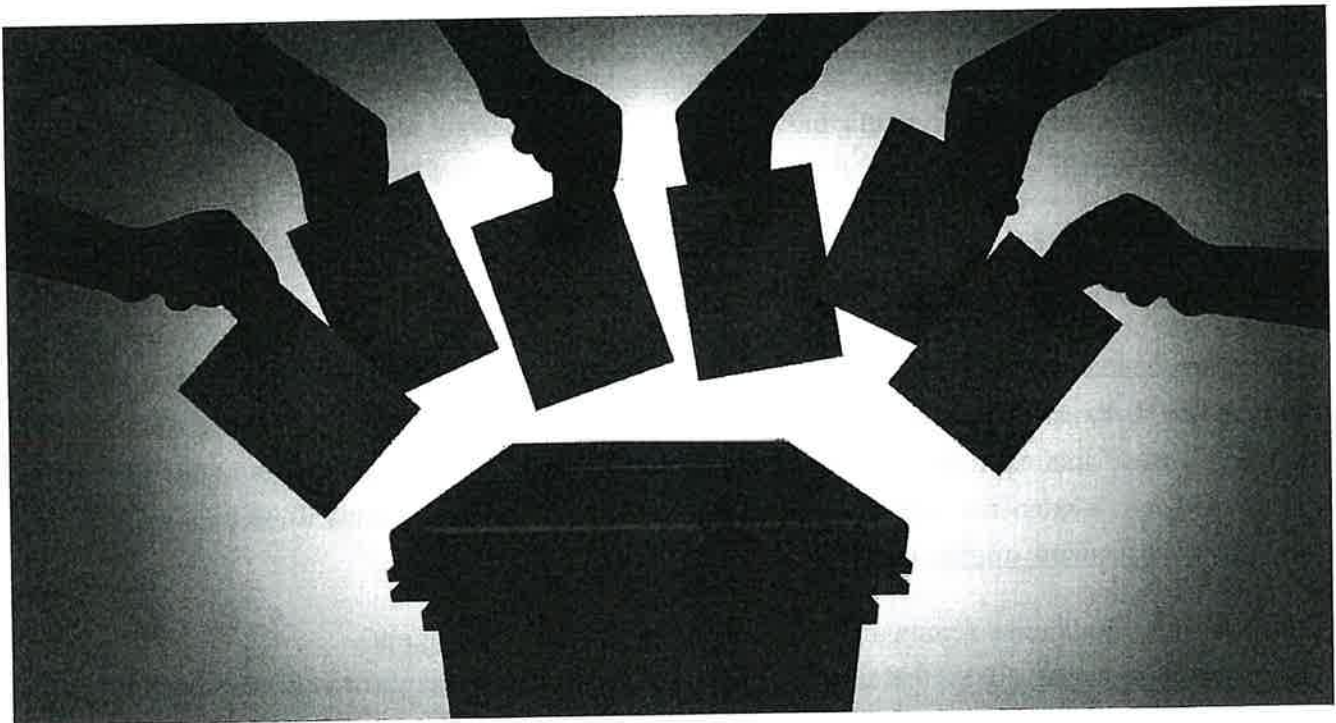


(https://twitter.com/intent/tweet?url=https://www.justfacts.com/news_non-citizen_voter_registration)

(https://www.linkedin.com/shareArticle?mini=true&url=https%3A//www.justfacts.com/news_non-citizen_voter_registration&title=&summary=&source=

news_non-

citizen_voter_registration&title=&summary=&source=



Overview

Based on the latest available data and an enhanced version of a stress-tested methodology from a

EXHIBIT 15

scholarly journal, a new study by Just Facts has found that about 10% to 27% of non-citizen adults in the U.S. are now illegally registered to vote.

The U.S. Census recorded more than 19 million adult non-citizens living in the U.S. during 2022. Given their voter registration rates, this means that about two million to five million of them are illegally registered to vote. These figures are potentially high enough to overturn the will of the American people in major elections, including congressional seats and the presidency.

Background

In 2014, the academic journal *Electoral Studies* (<https://www.sciencedirect.com/journal/electoral-studies>) published a groundbreaking study (<https://www.sciencedirect.com/science/article/abs/pii/S0261379414000973>) by three scholars who estimated how frequently non-citizens were illegally voting. Based on data for the 2008 presidential and congressional elections, the study found that:

- “roughly one quarter of non-citizens” in the U.S. “were likely registered to vote.”
- “6.4% of non-citizens actually voted.”
- 81.8% of them “reported voting for Barack Obama.”
- illegal votes cast by non-citizens “likely” changed “important election outcomes” in favor of Democrats, “including Electoral College votes” and a “pivotal” U.S. Senate race that enabled Democrats to pass Obamacare.

The study’s voter registration rate was estimated with data from two key sources:

1. A national survey in which 14.8% of non-citizens admitted that they were registered to vote.
2. A database of registered voters that reveals what portion of the surveyed non-citizens “were in fact registered” even though “they claimed not to be registered.”

By combining these data, the author’s “best” estimate was that 25.1% of non-citizens were illegally registered to vote.

The authors calculated voter turnout with the same datasets, but their methodology yielded a best estimate that 6.4% of non-citizens voted in 2008—lower than the 8.0% of non-citizens who stated “I definitely voted” and explicitly named the candidate they voted for. This and other matters led Just Facts to engage in extensive correspondence with the lead author of the study to verify (<https://www.justfactsacademy.org/verification>) practically every detail of it.

Just Facts then conducted a comparable study (https://www.justfacts.com/immigration#electoral_2008) that used the same datasets, a more straightforward methodology, and related studies to constrain (https://www.justfacts.com/immigration#electoral_2008_uncertainties) assumptions. This found that roughly 27% of non-citizens were registered to vote and about 16% of them voted in the 2008 national elections.

As is often the case with studies of illegal actions where enforcement is limited, both Just Facts’ study (https://www.justfacts.com/immigration#electoral_2008) and the one from Electoral Studies (<https://www.sciencedirect.com/science/article/abs/pii/S0261379414000973>) have sizeable margins of uncertainty. This is due to relatively small sample sizes and other possible sources (https://www.justfacts.com/immigration#electoral_2008_uncertainties) of error—some that could produce overcounts and others undercounts.

“Fact Checks”

So-called fact checkers and certain scholars have repeatedly tried to dispute the *Electoral Studies* paper and Just Facts’ study. However, their criticisms were mathematically illiterate (<https://www.justfactsdaily.com/false-arguments-against-evidence-of-vote-fraud>) and laced with unrealistic assumptions (https://www.justfactsdaily.com/substantial-numbers-of-non-citizens-vote-illegally-in-u-s-elections#flawed_critiques), empty arguments (<https://www.justfactsdaily.com/politifact-deceptive-report-on-illegal-voting-by-non-citizens#enforcement>), half-truths (<https://www.justfactsdaily.com/substantial-numbers-of-non-citizens-vote-illegally-in-u-s-elections#politifact>), and outright falsehoods (<https://www.justfactsdaily.com/usa-today-facebook-illegal-voting-by-non-citizens#electoral>).

Now, the Washington Post’s lead “fact checker,” Glenn Kessler, claims (<https://www.washingtonpost.com/politics/2024/03/06/truth-about-noncitizen-voting-federal-elections/>) to have uncovered new evidence that undercuts the results of the 2014 *Electoral Studies* paper and Just Facts’ research. This consists of a previously sealed “Expert Report (https://www.justfacts.com/document/non-citizen_voting_expert_report_richman_2023.pdf)” on non-citizen voting for a 2023 Arizona court case.

Notably, the report was written by the lead author of the *Electoral Studies* paper, Dr. Jesse Richman, an Associate Professor of Political Science and International Studies at Old Dominion University.

In an article (<https://www.washingtonpost.com/politics/2024/03/06/truth-about-noncitizen-voting-federal-elections/>) titled “The Truth About Noncitizen Voting in Federal Elections,” Kessler quotes several figures from Richman’s 2023 report suggesting that about 1% of non-citizens are registered to vote. This is drastically below the “best” estimate of 25% from Richman’s 2014 paper (<https://www.sciencedirect.com/science/article/abs/pii/S0261379414000973>).

The glaring disparity between the 2014 and 2023 figures prompted Just Facts to scrutinize the methodologies used to produce them. This research revealed that all of the 1% figures are lowball estimates (https://www.justfacts.com/news_non-citizen_voting_supplement_1). This was confirmed when Just Facts questioned Richman, who responded:

An important element of context for the Arizona report is that it was written as an expert report in a court case (and indeed it was a confidential part of the case until it got subpoenaed). In that

context my focus was on identifying and explicating the evidence most robust to cross-examination. Thus, my goal was to explain to the court the results and the datasets where as many possible counter-arguments concerning how the estimate could be biased upwards were closed off. Of course, no choice about which analyses to focus on comes without tradeoffs. And the tradeoff from focus on analyses where one can minimize the risk that the estimate could be biased upwards is that there is potentially an increased risk that the estimate could be biased downwards.

Beyond portraying minimums as best estimates, Kessler also misleads his readers with a half-truth that the 2014 paper estimated “6.4 percent of noncitizens voted in 2008 and 2.2 percent voted in 2010.” What Kessler fails to reveal is that 2010 was a mid-term election, and Richman explained in Kessler’s newspaper (<https://www.washingtonpost.com/news/monkey-cage/wp/2014/11/02/do-non-citizens-vote-in-u-s-elections-a-reply-to-our-critics/>) that “these are the patterns one would expect to see if the measures retained validity and non-citizens were a group mobilized more in presidential election years than midterms.”

In another ruse, Kessler criticizes and links to a study by Just Facts while coyly describing it as the work of “one researcher (<https://www.justfactsdaily.com/quantifying-illegal-votes-cast-by-non-citizens-in-the-battleground-states-of-the-2020-presidential-election>).” This avoids the scholarly track record (<https://www.justfacts.com/aboutus#serving>) of the organization and the fact that two Ph.D.’s who specialize in data analytics vetted the study (<https://www.justfactsdaily.com/quantifying-illegal-votes-cast-by-non-citizens-in-the-battleground-states-of-the-2020-presidential-election>) and described it as “methodologically sound,” “fair in its conclusions,” and “credible.”

Kessler also misreports the results of Just Facts’ study by claiming that it found non-citizens gave Biden “almost an additional 18,000 votes” in Arizona in 2020. In reality, the study plainly states (<https://www.justfactsdaily.com/quantifying-illegal-votes-cast-by-non-citizens-in-the-battleground-states-of-the-2020-presidential-election>) that non-citizens gave Biden an “extra” “ $51,081 \pm 17,689$ ” votes in Arizona. This equals 33,000 to 69,000—not 18,000.

Ironically, Donald Trump was indicted by a D.C. grand jury for accurately citing (<https://www.justfactsdaily.com/trump-indicted-for-citing-data-from-ph-d-vetted-study-to-challenge-election-fraud>) the lower bound of those figures.

The Latest Data & Study

The redeeming element of Kessler’s article is that it alerted Just Facts to the existence of non-citizen voter registration data from 2022. This enabled Just Facts to update previous studies on this issue with the latest available information.

Using an enhanced version of the methodology that yielded the same “best” registration rate as the 2014 *Electoral Studies* paper, Just Facts’ new study finds that roughly 10% to 27% of non-citizen adults in the U.S. are now registered to vote.

The data and methodology of the study are detailed in this spreadsheet (https://www.justfacts.com/reference/non-citizen_voter_registration_2022.xls). Enhancements over previous studies include:

- a more precise formula to calculate sampling margins of error.
- the use of dual methodologies to account for varying possibilities.
- multiple citizenship questions (https://www.justfacts.com/document/non-citizen_voting_expert_report_richman_2023.pdf#page=73) in the survey that limit the possibility of honest mistakes by survey respondents.

As with other studies of illegal actions, there are uncertainties in the results. For example, the study assumes that all people who claim to be “citizens” in the survey actually are citizens. This is unlikely given that the journal *Demographic Research* (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3783022/>) published a study in 2013 which found that certain major groups of non-citizens often falsely claim to be citizens in Census surveys. If these dishonest survey respondents register to vote at higher or lower rates than other non-citizens, this could skew the results of the study.

Standards (https://web.archive.org/web/20170510154920/http://www.rand.org/standards/standards_high.html) for high quality (<https://us.sagepub.com/en-us/nam/the-handbook-of-social-research-ethics/book230293>) research require that assumptions be “explicit and justified” to provide “a fully ethical presentation of scientific data.” This standard has been brazenly (https://www.justfactsdaily.com/substantial-numbers-of-non-citizens-vote-illegally-in-u-s-elections#flawed_critiques) and repeatedly (<http://www.justfactsdaily.com/false-arguments-against-evidence-of-vote-fraud#assumptions>) flouted by scholars who downplay voting by non-citizens. In contrast, the assumptions and justifications of Just Facts’ study are provided here (https://www.justfacts.com/news_non-citizen_voting_supplement_2).

Potential Impacts

In presidential elections, roughly half (https://www.justfacts.com/immigration#electoral_2012) of non-citizens who are registered turn out (https://www.justfacts.com/immigration#electoral_2008) to vote. Given that about 10% to 27% of them are currently registered, this means about 5% to 13% of them will illegally vote in the 2024 presidential and congressional elections.

The U.S. Census recorded (<https://data.census.gov/table/ACSST1Y2022.S0501?q=SELECTED%20CHARACTERISTICS%20OF%20THE%20NATIVE%20AND%20FOREIGN-BORN%20POPULATIONS%20&g=010XX00US&y=2022>) a population of 19.7 million (https://www.justfacts.com/reference/non-citizen_voter_registration_2022.xls) voting-age non-citizens in the U.S. during 2022. This is an absolute minimum because the Census doesn’t count (<https://www.justfacts.com/immigration#numbers>) masses of non-citizens who falsely claim to be citizens or don’t fill out Census surveys.

Also, the figure of 19.7 million doesn't include multitudes of non-citizens who've entered since 2022. This includes people who legally immigrated (https://www.justfacts.com/immigration#legal_requirements), crossed the border illegally (https://www.justfacts.com/immigration#illegal_border), or were allowed into the country under the Biden administration's parole policies (<https://www.cbp.gov/newsroom/national-media-release/cbp-releases-september-2023-monthly-update>).

Based on the data above, roughly 1.0 million to 2.7 million (https://www.justfacts.com/reference/non-citizen_voter_registration_2022.xls) non-citizens will illegally vote in the 2024 presidential and congressional elections unless stronger election integrity measures are implemented.

Closing the Loopholes

To prevent illegal voting by non-citizens, Congressional Republicans (<https://roy.house.gov/media/press-releases/rep-roy-leads-fight-save-american-elections>) recently introduced a 22-page bill (https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/evo-media-document/SAVE%20ACT_Bill%20Text.pdf) to “require proof of United States citizenship” to register to vote in federal elections.

While reporting on a press conference (<https://www.mediaite.com/tv/embattled-speaker-mike-johnson-touts-election-integrity-bill-as-trump-looms-over-his-shoulder/>) announcing the legislation, media outlets like the Associated Press (<https://apnews.com/article/trump-immigrant-voting-noncitizens-elections-explained-cf4c73b336147b5f5d9c2a22b2564994>), CNN (https://edition.cnn.com/politics/live-news/election-2024-trump-abortion-04-12-24/h_0f64018af98d2dca39f97c4a36c5c65a), NBC News (<https://www.nbcnews.com/meet-the-press/video/trump-criticizes-non-citizen-voting-which-is-already-illegal-208894021564>), Rolling Stone (<https://www.rollingstone.com/politics/politics-news/trump-mike-johnson-redundant-non-citizen-bill-vote-1235003973/>), and NPR (<https://www.npr.org/2024/04/12/1244302080/trump-johnson-noncitizen-voting-bill>) attacked the bill as unnecessary. NPR, for instance, reported (<https://www.npr.org/2024/04/12/1244302080/trump-johnson-noncitizen-voting-bill>) that “it’s already illegal” for non-citizens to vote in federal elections and “there’s never been evidence to support the idea noncitizens are voting at anything other than miniscule numbers.”

Those claims—which echo the Biden administration’s statement (https://edition.cnn.com/politics/live-news/election-2024-trump-abortion-04-12-24/h_0f64018af98d2dca39f97c4a36c5c65a) on this matter—are refuted by the *Electoral Studies* paper (<https://www.sciencedirect.com/science/article/abs/pii/S0261379414000973>), Just Facts’ research (https://www.justfacts.com/immigration#electoral_2008), and the following facts that prove there are wide openings for non-citizens to vote.

Open Doors to Illegal Voting

All 50 states require (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=2) people to be U.S. citizens in order to register to vote in federal elections, and federal law (<https://www.law.cornell.edu/uscode/text/18/1015>) forbids non-citizens from falsely claiming citizenship to register to vote. However, enforcement mechanisms for such laws are limited, and opportunities to get around them are ample.

For a prime example, federal law (<https://www.law.cornell.edu/uscode/text/52/20505>) requires all states to register voters for federal elections via a form developed (<https://www.law.cornell.edu/supremecourt/text/12-71>) by the U.S. Election Assistance Commission. The form (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=4) requires people to declare that they are U.S. citizens, but it doesn't require them (<https://www.law.cornell.edu/supct/pdf/12-71.pdf#page=4>) to prove it.

Several states, including Arizona and Georgia, tried to require people who register with the federal form to provide “documentary evidence” of citizenship, but they were blocked (<https://www.law.cornell.edu/supremecourt/text/12-71>) by court rulings (<https://casetext.com/case/fish-v-schwab>) supported by the Obama administration (<https://www.politico.com/f/?id=00000153-09c8-de04-af73-cfcb7e040001>).

So instead of proof of citizenship, the federal form allows (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=2) people to register and vote with assorted forms of “identification” like a “utility bill” or “bank statement.”

The federal form (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=6) also has state-specific instructions which are rife with loopholes that could allow non-citizens to register. The instructions for New Jersey (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=20) are typical of most states (https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf#page=8):

The last four digits of your Social Security number OR your New Jersey Driver's License number is required for voter registration. If you do not possess either of these identifications, please write “NONE” on the form. The State will assign a number that will serve to identify you for voter registration purposes.

Likewise, the NJ State form (<https://www.nj.gov/state/elections/assets/pdf/forms-voter-registration/68-voter-registration-english-hudson.pdf>)—which provides another avenue to register for federal elections—contains a checkbox that allows people to register without a Social Security or driver's license number if they “provide a COPY of a current and valid photo ID, or a document with your name and current address on it.” This can be (<https://www.vote411.org/node/7643>) anything from a “store membership ID” or “student ID” to a “rent receipt” or “government check.”

Ignoring those facts, the New York Times recently criticized (<https://www.nytimes.com/2024/01/25/us/politics/elon-musk-election-misinformation-x-twitter.html>) Elon Musk for saying that illegal immigrants “are not prevented from voting in federal elections” and “you don’t need government issued ID to vote.”

The Times claimed that Musk was wrong because “federal law (<https://www.brennancenter.org/sites/default/files/legacy/d/HAVA%20Fact%20Sheet.pdf>) requires identification verification from voters when they register.” That hyperlink leads to a document by the liberal (<https://www.influencewatch.org/non-profit/william-j-brennan-center-for-justice/>) Brennan Center for Justice which claims (<https://www.brennancenter.org/sites/default/files/legacy/d/HAVA%20Fact%20Sheet.pdf>) that “new identification requirements” in a 2002 federal voting law “may severely threaten voters’ rights....”

What the Times fails to reveal is that the Brennan Center describes (<https://www.brennancenter.org/sites/default/files/legacy/d/HAVA%20Fact%20Sheet.pdf#page=2>) the identification requirements in the law, which don’t require government-issued ID or proof of citizenship—just as Musk wrote. The Center even notes that a “utility bill” or “bank statement” is enough to comply with the law. The text of the 2002 legislation (<https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf#page=48>) and the current U.S. election code law (<https://www.law.cornell.edu/uscode/text/52/21083>) confirm this.

The lack of enforcement against illegal voting by non-citizens was aptly summarized by Barack Obama shortly before the 2016 U.S. presidential election when actress Gina Rodriguez asked him if “Dreamers” and “undocumented citizens” would be deported if they voted. Obama replied (https://youtu.be/oLLt-a6dI_0?t=198):

Not true. And the reason is, first of all, when you vote, you are a citizen yourself. And there is not a situation where the voting rolls somehow are transferred over, and people start investigating, etcetera.

After dodging the fact that Dreamers (<https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>) and other unauthorized immigrants (https://www.justfacts.com/immigration#overview_illegal) are not citizens, Obama’s clear message was that there is no effective way to enforce the law that prohibits them from voting.

Republicans are proposing to fix that situation, while Democrats and the media are telling people it doesn’t exist despite overwhelming evidence to the contrary.

Identity Fraud

Even if the federal government or states adopted a law that requires official government IDs or Social Security numbers for voter registration, this wouldn’t constitute proof of citizenship because identity

fraud is rampant (https://www.justfacts.com/immigration#crime_fraud) among non-citizens.

For a prime example, the chief actuary of the U.S. Social Security Administration estimated (https://www.ssa.gov/oact/NOTES/pdf_notes/note151.pdf) in 2013 that:

- 0.7 million illegal immigrants worked in 2010 by using Social Security numbers obtained by using “fraudulent birth certificates.”
- another 1.8 million illegal immigrants worked in 2010 by using Social Security numbers “that did not match their name.”

Likewise, a 2002 investigation (<https://www.gao.gov/new.items/d02830t.pdf>) by the U.S. Government Accountability Office found that “the use of fraudulent documents by aliens is extensive.” For instance, immigration officials in Los Angeles “seized nearly two million counterfeit documents” in November 1998, including “permanent resident cards and Social Security cards, which were headed for distribution points around the country.”

Similarly, the New York Times reported (<https://www.nytimes.com/2005/04/05/business/illegal-immigrants-are-bolstering-social-security-with-billions.html>) in 2005, “Currently available for about \$150 on street corners in just about any immigrant neighborhood in California, a typical fake ID package includes a green card and a Social Security card.”

Perhaps most revealingly, California Senate Leader and Democrat Kevin De Leon publicly stated (<https://www.youtube.com/watch?v=s3JBYYPC4Vw>) in 2017:

I can tell you half of my family would be eligible for deportation under [Trump’s] executive order, because if they got a false Social Security card, if they got a false identification, if they got a false driver’s license ... if they got a false green card. And anyone who has family members who are undocumented knows that almost entirely *everybody* has secured some sort of false identification.

Hiding the Data

In 2017, President Trump’s Advisory Commission on Election Integrity asked the states (<https://www.fjc.gov/sites/default/files/materials/10/EE-DC-1-17-cv-1320-EPIC.pdf>) for “detailed, publicly available voter-roll data” that could be cross-checked against other databases with information on citizenship status. However, states refused to turn over the data and filed a flurry of lawsuits to stop the commission.

In the words of California’s Secretary of State (<https://www.sos.ca.gov/administration/news-releases-and-advisories/2017-news-releases-and-advisories/secretary-state-alex-padilla-reaffirms-california-will-not-comply-kobach-commission-voter-data-request>):

While the commission is allowed to request the personal data of California voters, they cannot

compel me to provide it. Let me reassure California voters: I will not provide the Commission with any personal voter data. ...

Yesterday's ruling is merely the first in a string of lawsuits challenging the Commission. Those lawsuits send a strong message—the Commission will face opposition at every step of the way from those who are fighting to protect our voting rights, our privacy, and our democratic principles.

Note that California claims the commission asked for “personal data,” but in reality, the commission explicitly requested (<https://www.fjc.gov/sites/default/files/materials/10/EE-DC-1-17-cv-1320-EPIC.pdf>) “publicly available voter-roll data.” California's deceptive refusal of this request and the ample openings for non-citizens to vote take on added significance in the light of this next topic.

Who Do Non-Citizens Vote For?

In the 2008 presidential election, 82% of non-citizens who admitted that they voted stated (<https://www.sciencedirect.com/science/article/abs/pii/S0261379414000973>) that they voted for Democrat Barack Obama, while only 18% said they voted for Republican John McCain. Showing this was not a fluke, Richman found in multiple surveys conducted from 2006 to 2022 that 73% to 82% (https://www.justfacts.com/document/non-citizen_voting_expert_report_richman_2023.pdf#page=42) of non-citizens supported Democratic candidates.

Those outcomes accord with the promises (https://www.justfacts.com/immigration#illegal_platforms) and actions (https://www.justfacts.com/immigration#illegal_obama) of Democrat politicians (https://www.justfacts.com/immigration#illegal_biden) to give (<https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/03/statement-from-president-joe-biden-on-final-rule-to-expand-health-coverage-for-daca-recipients/>) wide-ranging welfare and full amnesty to people who immigrate to the United States legally or illegally. The implications of this are further highlighted by facts like the following:

- A nationally representative bilingual survey of 784 immigrant Latinos conducted by Pew Research (<http://www.pewhispanic.org/2012/04/04/when-labels-dont-fit-hispanics-and-their-views-of-identity/>) in 2011 found that 81% said they would prefer “a bigger government providing more services,” and 12% said they would prefer “a smaller government with fewer services.” In stark contrast, 41% of the general U.S. population said they would prefer a bigger government, and 48% said they want a smaller one.
- Surveys conducted by YouGov in 2008 and 2012 found (<https://cis.org/sites/cis.org/files/gimpel-realignment.pdf#page=3>) that 60% to 71% of non-citizens identified as Democrats, while only 16% to 17% identified as Republicans.
- A nationally representative bilingual survey of 800 Hispanic adults conducted by McLaughlin

& Associates (<https://www.justfacts.com/immigration#electoral> 2013) in 2013 found that 59% were born outside the U.S., 53% considered themselves to be Democrats, and 12% considered themselves to be Republicans.

Conclusion

Every illegal vote cast by a non-citizen nullifies the legal vote of a citizen, thereby subverting their Constitutional right (<https://www.justfacts.com/constitution#Amendment24>) to vote.

A wealth of data and corroborating facts show that:

- non-citizens have ample openings to illegally vote.
- roughly 10% to 27% of them are registered to vote.
- about 5% to 13% of them vote in presidential elections.
- the vast bulk of them vote for Democrats.

Given the estimates above and the fact that more than 20 million non-citizen adults live in the U.S., roughly 1.0 million to 2.7 million of them will illegally vote in 2024 unless stronger election integrity measures are implemented. This could easily overturn the will of the American people in close major elections.

Instead of reporting these facts or mitigating this threat to every citizen's right to vote, "fact checkers," major media outlets, and elected Democrats are denying this problem exists.

NOTE (6/27/24): Just Facts has published a thorough rebuttal (<https://www.justfactsdaily.com/critics-fail-to-debunk-explosive-study-on-illegal-voting-by-non-citizens>) to critiques of this study.

Just Facts
3600 FM 1488 Rd.
Suite 120 #248
Conroe, TX 77384

Contact Us (<https://www.justfacts.com/contactus>)
Careers (<https://www.justfacts.com/careers>)

Copyright © 2024 Just Facts. All rights reserved.

Just Facts is a nonprofit
501(c)3 organization.

Information provided by
Just Facts
is not legal, tax, or investment advice.

justfacts.com (<https://www.justfacts.com/index>) | justfactsdaily.com (<https://www.justfactsdaily.com>)

([https://www.justfacts.com/
aboutus#Standards_Of_Credibility](https://www.justfacts.com/aboutus#Standards_Of_Credibility))

(<https://www.justfacts.com/notification>)

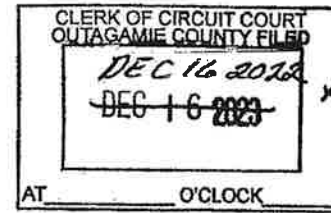
FILED
09-17-2024
Clerk of Circuit Court
Waukesha County

STATE OF WISCONSIN

CIRCUIT COURT

OUTAGAMIE COUNTY 2023CV000544

Peter Bernegger
1806 Brynnwood Trace
New London, WI 54961
1-920-551-0510, Petitioner,



Petitioner For Writ of Mandamus

Case Code: 30952

Case No.: 22-CV-1089

vs

Wisconsin Election Commission
201 W Washington Ave, Second Floor
Madison, WI 53703 Respondent.

PETITIONER FOR WRIT OF MANDAMUS

This is an action to enforce Wisconsin's Open Records Law, Wis. Stat. §§ 19.31-19.39. State law declares it the public policy of this state that every citizen is presumptively entitled to complete access to the records of state and local government.

Petitioner Peter Bernegger petitions this Court for a writ of mandamus directing the Respondent, the Wisconsin Election Commission ("WEC"), to produce records requested by the Petitioner, alleging to the Court as follows below. He incorporates every paragraph into every other paragraph.

FACTUAL ALLEGATIONS

Parties

1. Peter Bernegger is a citizen and also an elector of the state of Wisconsin with an address of 1806 Brynnwood Trace, New London, WI 54961.
2. The Wisconsin Election Commission ("WEC") is an executive branch state agency located in Dane County, WI. They operate in each county in this state on a regular and very frequent basis. Their mailing address is PO Box 7984 Madison, WI 53707-7984.
3. The WEC is an "Authority" under § 19.32(1).

Venue and Jurisdiction

4. This Court has jurisdiction to hear this matter under § 19.31 et al., 19.37(1)(a).
5. Venue is proper in this County under § 801.50(3), as the sole Respondent is WEC and they operate in this county on a very frequent basis. The petitioner selects this county to file this action.
6. He incorporates every paragraph into every other paragraph here within.

The Public Records Requests

7. Bernegger filed several written public records requests to WEC.
8. WEC has denied in part, in full, or failed to respond to these requests.
9. Requested records of:
 - a. fees collected by WEC selling registration lists. Exhibit A.
 - b. the list of Inactive registrants. Exhibit B.
 - c. last 20 invoices purchases pertaining to Badger Books, last 20 invoices purchases pertaining to software Badger Books uses. Exhibit C.
 - d. records used by WEC to approve, certify, the use of modems in our state on ES&S and Dominion tabulators. Exhibit D.
 - e. testing and approval records of vendor Pro V&V VSTL. Exhibit E.
 - f. records of any communications to election clerks telling them not to give out log tapes. Exhibit F.
 - g. a blank certificate of registration EL-133 form; EL-133 filled out from July 1st, 2022 up until now. Exhibit G.
 - h. the certification(s) of Badger Books. Exhibit H
 - i. showing compliance of Badger Books with FISMA, annual FISMA approval of Badger Books, FISMA annual assessment. Exhibit I.
 - j. voter registration applications for 106 on list provided to WEC. Exhibit J.
 - k. 200 emails to Karen Duchow, responses back, including any attachments. Exhibit K.
 - l. any and all invoices billed to WEC or its agent for specific advertising; 6 month time frame. Exhibit L.

- m. last 200 texts, emails, responses, last 10 letters/memos to WEC from ERIC. To include responses and attachments. Last 500 names/addresses/phone/email addresses ERIC gave WEC. Exhibit M.
- n. 52 names/addresses provided to WEC by Petitioner asking WEC for their voter registration applications, absentee applications, indefinitely confined applications. Exhibit N.
- o. MyVote voter registration applications for a defined time period. Exhibit O.
- p. The last 50 reports ERIC has sent/given or provided WEC. Exhibit P.
- q. the bond for each of 9 people of WEC. Exhibit Q.
- r. the current contract/agreement between WEC and ERIC. The former agreements with ERIC for defined time period. The last 10,000 people ERIC sent to WEC for WEC to seek out in an attempt to get them to register to vote. Exhibit R.
- s. The last 500 people ERIC referred to WEC for the purpose of WEC using taxpayer dollars to attempt to get these people to register to vote. Defined time period. Exhibit S.
- t. IP addresses who accessed WisVote for a defined time period. IP addresses who accessed MyVote for a defined time period. Exhibit T.
- u. Emails from Everyone Counts, Inc, plus attachments. Emails to WEC from that firm, plus attachments. Contracts/agreements between these two entities. Exhibit U.
- v. Contracts/agreements between WEC and ERIC. The last 500 emails between WEC and ERIC, plus any attachments. Exhibit V.
- w. WEC certifications of each/all Badger Book. Copy of each paycheck to WEC computer IT employees. Exhibit W.
- x. for the deleted 9,539 elector registrations from WEC's WisVote/Badger Voter system. Deleted sometime between April 9, 2022 and May 3, 2022. A public records request for these deleted 9,539 registrations was emailed into WEC on or about July 20th, 2022. WEC attorney James Witecha was noticed and the same request was made to him on October 7, 2022. Also requested in that email was the IP addresses who accessed the DET servers, of the person or persons who entered the WisVote system to delete the 9,539 registrations. WEC denied the registrations were deleted. WEC failed to response to the IP request.

10. Bernegger sent numerous follow-up emails seeking to obtain the records. WEC did not response to these. Two out of many examples are shown here, see Exhibit Y.

**CAUSE OF ACTION – VIOLATION OF § 19.35(4)
Denial or No Response in Producing Records**

11. Bernegger is entitled to the public records he requested. § 19.31 et al. This statute is the declared public policy of this state that every citizen is entitled to the greatest possible information regarding the affairs of government. The statute provides that “the denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied, establishing a presumption of complete public access to government records, consistent with the conduct of government business.”
12. He is entitled to be present to inspect the public records and to make or receive a copy of the records. § 19.35(1)(a),(b).
13. He is entitled to the records he requested.
14. Under § 19.35(4)(a) a public record request shall be fulfilled as soon as possible and without delay.
15. He is entitled to bring this action asking the court to issue an order releasing the records. § 19.37(1).
16. He may seek costs, fees, punitive damages and a penalty. § 19.37(2)-(4).
17. Bernegger has been harmed by not receiving the records violating his statutory rights.

RELIEF REQUESTED

WHEREFORE, the Petitioner demands a writ of mandamus to issue against the Respondent under § 19.31 etl, 19.37(1),(3):

- 1 Compelling the Respondent to produce the requested records immediately.
- 2 Declaring the Petitioner's rights and limiting the Respondent's conduct with respect to the requested records.
- 3 Awarding the Petitioner punitive damages. § 19.37(3).
- 4 Awarding the Petitioner damages of not less than \$100, and other actual costs. § 19.37(2).
- 5 Awarding such other relief as the Court deems appropriate.

Respectfully Submitted,

December 16, 2022



Peter Bernegger - Petitioner
1806 Brynwood Trace
New London, WI 54961
1-920-551-0510



Exhibit A
Peter <pmbmap123@gmail.com>

2 pages

public records request: fees collected selling registration lists

2 messages

Peter <pmbmap123@gmail.com>

Tue, Nov 8, 2022 at 10:43 AM

To: elections@wi.gov

I request the public records showing the fees collected by WEC selling registration lists, selling all lists whether statewide or smaller sized lists. For the records to show revenues per year, for the last 5 years.

Peter Bernegger

Anna Langdon (Support) <electionspio@wisconsin.gov>

Tue, Nov 8, 2022 at
12:38 PM

Reply-To: Support <electionspio@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (4644) is updated with the information below.

Anna Langdon (Wisconsin Elections Commission)

Nov 8, 2022, 12:38 CST

Dear Mr. Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

EXHIBIT 16

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
electionsPIC@wisconsin.gov

Peter

Nov 8, 2022, 10:44 CST

I request the public records showing the fees collected by WEC selling registration lists, selling all lists whether statewide or smaller sized lists. For the records to show revenues per year, for the last 5 years.

Peter Bernegger

EXHIBIT 16



Peter <pmbmap123@gmail.com>

Exhibit B
4 pages**public records request NOV 16th 2022**

4 messages

Peter <pmbmap123@gmail.com>

Wed, Nov 16, 2022 at 4:04 PM

To: elections@wi.gov, "Brennan, Patrick T - ELECTIONS"

<PatrickT.Brennan@wisconsin.gov>

Public records request:

I request the INACTIVE statewide registration list. To include the standard data fields. This is a simple request, I ask for this within 3 business days. Pls send to me via email using a link.

Peter Bernegger

Brennan, Patrick T - ELECTIONS

<PatrickT.Brennan@wisconsin.gov>

Wed, Nov 16, 2022

at 4:11 PM

To: Peter <pmbmap123@gmail.com>

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>, "Kehoe, Robert Y - ELECTIONS" <robert.kehoe@wisconsin.gov>

Good afternoon,

This voter data is available for purchase through the Badger Voters site using the self-service options. When choosing the **Get Started** option, the default setting is for voter data. For a statewide inactive list, if you set the **Voter Status** field to inactive and leave all other filters empty, you will receive an estimate for all current inactive voter records. If you are looking for voter information for a specific municipality or county, you can choose this by using the available filter options. The **County** field will be at the bottom of the

EXHIBIT 16

default view, and once a county is chosen additional field options will appear that allow more specific requests, down to individual municipalities and wards.

Once the wanted criteria are selected, clicking the orange **Get Estimate** button will provide the number of records matching the criteria and the cost of the file (\$25 +\$5 per thousand records). If the criteria and estimate are acceptable, you can click the blue **Create Request** button to generate and pay for the file. Otherwise, you can continue to edit the criteria and re-run the estimate function until the criteria and file meets your specifications. A completed file through self-service will be available immediately after payment is submitted and will be in .csv format.

Please let me know if you have additional questions about purchasing voter data.

Thank you,

Patrick Brennan

WisVote Training Officer

Wisconsin Elections Commission

Ph# 608-267-7404

PatrickT.Brennan@wi.gov

Patrick Brennan

WisVote Training Officer

Wisconsin Elections Commission

PatrickT.Brennan@wi.gov

From: Peter <prmbmap123@gmail.com>

Sent: Wednesday, November 16, 2022 4:04 PM

To: ELECTIONS HelpDesk <elections@wisconsin.gov>; Brennan, Patrick T -

EXHIBIT 16

ELECTIONS <PatrickT.Brennan@wisconsin.gov>
Subject: public records request NOV 16th 2022

[Quoted text hidden]

Peter <pmbmap123@gmail.com>

Wed, Nov 16, 2022 at 4:17 PM

To: "Brennan, Patrick T - ELECTIONS" <PatrickT.Brennan@wisconsin.gov>

You can't charge the huge fee of \$12,500 for Inactives. Inactives are not the registration list. A nominal fee of downloading, perhaps 5 to 10 minutes maximum, would be the actual cost. Wis Stat 19.35(3).

Peter

[Quoted text hidden]

Brennan, Patrick T - ELECTIONS

<PatrickT.Brennan@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

Cc: "Kehoe, Robert Y - ELECTIONS" <robert.kehoe@wisconsin.gov>

Thu, Nov 17, 2022 at

11:11 AM

Good morning,

Your request to waive statutory fees is denied. Section 6.36 also provides a description and definition of the "official registration list" and there is no section of this statute that states inactive voter records are not considered part of the official voter list. In fact, it specifically references the process of moving records from eligible to ineligible status on

EXHIBIT 16

the "list" and does not make use of the word "inactive" at all. Likewise, Wisconsin Administrative Code EL 3.50 makes no distinction between active and inactive records.

Thank you,

Patrick Brennan

WisVote Training Officer

Wisconsin Elections Commission

Ph# 608-267-7204

PatrickT.Brennan@wi.gov

[Quoted text hidden]

EXHIBIT 16

Exhibit C



Peter <pmbmap123@gmail.com>

2 pages

public records request NOV 10th, 2022 Badger Books

2 messages

Peter <pmbmap123@gmail.com>

Thu, Nov 10, 2022 at 3:23 PM

To: elections@wi.gov

I request the last 20 invoices to WEC for the purchase of any Badger Books hardware. To qualify the invoice must show at least one Badger epolling book purchased, if not more.

I request the last 20 invoices to WEC for the purchase of any software Badger Books uses.

This is a simple request. I ask for the records within 5 business days. Pls send via email.

Peter

Madhumita Das (Support) <electionspio@wisconsin.gov>

Fri, Nov 11, 2022 at
9:00 AM

Reply-To: Support <electionspio@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (5316) is updated with the information below.

Madhumita Das (Wisconsin Elections Commission)

Nov 11, 2022, 09:00 CST

EXHIBIT 16

Dear Mr. Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
electionsPIO@wisconsin.gov

Peter

Nov 10, 2022, 15:27 CST

[Quoted text hidden]

EXHIBIT 16



Exhibit D
Peter <pmbmap123@gmail.com>
2 pages

modem public records request Nov 10th 2022

2 messages

Peter <pmbmap123@gmail.com>

Thu, Nov 10, 2022 at 11:13 AM

To: elections@wi.gov

1 I request the record(s) that the WEC Board used to vote to approve, certify, the use of modems in our State for ES&S tabulators, ES&S voting systems. Further requesting the record(s) specifically showing modems on it/them, submitted to the Board where they voted to approve such modems.

2 I request the record(s) that the WEC Board used to vote to approve, and certify, the use of modems in our State for Dominion tabulators, Dominion voting systems. Further requesting the record(s) specifically showing modems on it/them, submitted to the Board where they voted to approve such modems.

This is a simple request, I ask for the records within 3 business days. Pls send to me via email.

Peter

Madhumita Das (Support) <electionspio@wisconsin.gov>

Thu, Nov 10, 2022 at
11:59 AM

Reply-To: Support <electionspio@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

EXHIBIT 16

Your Wisconsin Elections Commission request number (5312) is updated with the information below.

Madhumita Das (Wisconsin Elections Commission)

Nov 10, 2022, 11:59 CST

Dear Mr. Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
electionsfilo@wisconsin.gov

Peter

Nov 10, 2022, 11:15 CST

[Quoted text hidden]

EXHIBIT 16

Exhibit E
Peter <pmbmap123@gmail.com>

3 pages

public records request Nov1st 2022

1 message

Peter <pmbmap123@gmail.com>

Tue, Nov 1, 2022 at 10:38 AM

To: elections@wi.gov

In the report of June 2, 2021 from Meagan Wolfe, it states

"Democracy Suite 5.5-C and 5.5-CS being among them, the secondary system version lacks EAC certification, but is federally tested by an approved VSTL to comply with the 2005 Voluntary Voting Systems Guidelines (VVSG)." and,

"Democracy Suite 5.5-CS lacks EAC certification but has undergone federal testing by a federally certified VSTL, Pro V&V,...".

1. Please provide the record(s) of the Pro V&V VSTL showing they tested the Democracy Suite 5.5-CS.

2. Please provide the record(s) of the Pro V&V VSTL showing they approved the Democracy Suite 5.5-CS.

3 Please provide the record(s) of the Pro V&V VSTL showing they certified the Democracy Suite 5.5-CS.

Timeframe for all requests above: the records which would have been most current as of the day the June 2, 2021 report was prepared.

Peter

EXHIBIT 16

Oct 31, 2022, 12:03 CDT

Dear Peter Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
electionsPRC@wisconsin.gov

Peter

Oct 31, 2022, 11:15 CDT

[Quoted text hidden]

EXHIBIT 16

Dear Peter Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
elections.PIO@wisconsin.gov

Peter

Oct 27, 2022, 11:03 CDT

[Quoted text hidden]

EXHIBIT 16



Exhibit F
1p
Peter <pmbmap123@gmail.com>

public records request Oct 31 2022

2 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Mon, Oct 31, 2022 at 10:52 AM

I request the following public records:

1. Any and all alerts, notices, letters, memos, emails, communications to municipal clerks/county clerks/municipal election commissions whereby communicating in some fashion Log tapes from tabulators are not to be given out to people who ask for them.

2. Timing: within the last 7 days.

3. Please send to me by email. This is a very simple request, I ask for the record(s) today.

Peter Bernegger

Madhumita Das (Support) <electionspio@wisconsin.gov>

Mon, Oct 31, 2022 at
12:03 PM

Reply-To: Support <electionspio@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (2611) is updated with the information below.

Madhumita Das (Wisconsin Elections Commission)

EXHIBIT 16

Exhibit G



Peter <pmbmap123@gmail.com>

1 p.

Public Records Request EL-133 form

2 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Thu, Oct 27, 2022 at 11:00 AM

I request the following public records:

1. A blank Certificate of Registration EL-133 form.
2. A copy of each Certificate of Registration EL-133 in the WisVote system/database that was filled out or has a name/address on it of elector(s) from July 1st, 2022 up until now.

This is a simple request. Please send to me within 3 business days. By email would be appreciated.

Peter Bernegger

Robert Kehoe (Support) <electionspio@wisconsin.gov>

Thu, Oct 27, 2022 at
1:14 PM

Reply-To: Support <electionspio@wisconsin.gov>
To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (2293) is updated with the information below.

Robert Kehoe (Wisconsin Elections Commission)
Oct 27, 2022, 1:14 CDT

EXHIBIT 16



Exhibit H
Peter <pmbmap123@gmail.com>

4p.

public records request OCT 20, 2022

22 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Thu, Oct 20, 2022 at 3:03 PM

I request any and all certifications of/for Badger Books, used in Wisconsin elections by some municipalities. This is a simple request, please remit to me within 3 business days by email.

Peter Bernegger

Brandon Hunzicker (Support) <electionspio@wisconsin.gov>

Thu, Oct 20, 2022 at
3:27 PM

Reply-To: Support <electionspio@wisconsin.gov>
To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (1888) is updated with the information below.

Brandon Hunzicker (Wisconsin Elections Commission)

Oct 20, 2022, 15:27 CDT

Dear Mr. Bernegger,

The records sent on September 28 in response to your other request concerning Badger Books also fulfill this request. I am attaching that response to this email.

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

EXHIBIT 16

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
201 West Washington Avenue
P.O. Box 7984
Madison, WI 53707-7984
Electionspro@wisconsin.gov

Attachment(s)

RE_ public records August 2nd 2022.msg

Peter

Oct 20, 2022, 15:06 CDT

I request any and all certifications of/for Badger Books, used in Wisconsin elections by some municipalities. This is a simple request, please remit to me within 3 business days by email.

Peter Bernegger

EXHIBIT 16

Peter <pmbmap123@gmail.com>
To: Support <electionspio@wisconsin.gov>

Thu, Oct 20, 2022 at 3:44 PM

Thank you, but the file doesn't open. What type of file is it?

Peter

[Quoted text hidden]

Elections PIO <Electionspio@wisconsin.gov>
To: Peter <pmbmap123@gmail.com>

Thu, Oct 20, 2022 at 3:57 PM

I apologize about that. We will look into why that did not properly send. I attached the Outlook file to this email. In case that also does not open, I am attaching the responsive PDFs contained in that email directly to this email.

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

P.O. Box 7984

Madison, WI 53707-7984

EXHIBIT 16

brandon.hunzicker@wisconsin.gov

[Quoted text hidden]

3 attachments

 RE_public records August 2nd 2022.msg
1236K

 06-20-2017 Elections Commission Open Session Minutes.pdf
153K

 Supp A G. E-Poll Book Cost Analysis Report Final.pdf
1020K

Peter <pmbmap123@gmail.com>
To: Elections PIO <Electionspio@wisconsin.gov>

Thu, Oct 20, 2022 at 4:04 PM

E

Peter

[Quoted text hidden]

Peter <pmbmap123@gmail.com>
To: Elections PIO <Electionspio@wisconsin.gov>

Thu, Oct 20, 2022 at 4:12 PM

Brandon, I just read through all these. There is no certification here for Badger Books. Is there any?

Peter

EXHIBIT 16



Peter <pmbmap123@gmail.com>

Exhibit I
2 p.

public records request Oct 21 2022

2 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Fri, Oct 21, 2022 at 11:13 AM

I request any and all records that show Badger Books are in compliance with FISMA federal regulations. I also request the most recent annual FISMA approval of Badger Books.

1 Homeland Security Presidential Directive 7, issued in 2003, established a national policy for the operational security of the critical infrastructure. Paragraph 24 of this directive provides that such infrastructure must comply with the Federal Information Security Modernization Act of 2002 (FISMA). FISMA, as updated in 2014, states that all critical infrastructure must be assessed on a periodic basis, "with a frequency depending on risk, but no less than annually".

2 In January 2017, the Department of Homeland Security Secretary ("DHSS") designated election infrastructure to be critical infrastructure. For this reason, election equipment and its surrounding processes, procedures, and documentation, must undergo a FISMA-mandated assessment, at least annually.

This is a simple request, I ask for these records in three business days. Pls send email to me.

/s/

Peter Bernegger

EXHIBIT 16

Madhumita Das (Support) <electionspio@wisconsin.gov>

Fri, Oct 21, 2022 at
12:42 PM

Reply-To: Support <electionspio@wisconsin.gov>

To: Peter <pmbmap123@gmail.com>

Your Wisconsin Elections Commission request number (1912) is updated with the information below.

Madhumita Das (Wisconsin Elections Commission)

Oct 21, 2022, 12:42 CDT

Dear Peter Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker
Staff Attorney
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707
(608) 266-8005
electionsPIO@wisconsin.gov

Peter

Oct 21, 2022, 11:22 CDT

[Quoted text hidden]

EXHIBIT 16



Peter <pmbmap123@gmail.com>

public records request May 14th**Elections PIO** <Electionspio@wisconsin.gov>

Sun, May 15, 2022 at 6:26 PM

To: Peter <pmbmap123@gmail.com>

Dear Mr. Bernegger,

You can obtain this information either by making a request on the Badger Voters website (<https://badgervoters.wi.gov/>) or by asking the municipal clerks of these individuals. This request is very similar to your request of 11/3/21, which the WEC answered in detail on 12/3/21.

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

P.O. Box 7984

Madison, WI 53707-7984

Electionspio@wisconsin.gov

From: Peter <pmbmap123@gmail.com>**Sent:** Saturday, May 14, 2022 8:08 AM**To:** Elections PIO <Electionspio@wisconsin.gov>**Subject:** public records request May 14th

EXHIBIT 16



Peter <pmbmap123@gmail.com>

public records request May 14th

Peter <pmbmap123@gmail.com>
To: Elections PIO <Electionspio@wisconsin.gov>

Sun, May 15, 2022 at 7:02 PM

The municipal clerk said WEC has them. Note: the request is for the voter registration **applications**.

Peter

[Quoted text hidden]

EXHIBIT 16



Peter <pmbmap123@gmail.com>

public records request May 14th

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Sun, May 15, 2022 at 7:14 PM

Request for 106 voter registration applications submitted on Badger Voters website, as custom order. Here is the list of 106 I request such applications for.

Peter

 WECreedsberg submission names and Voter ID.xlsx
13K

EXHIBIT 16

CAUTION: This content originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

EXHIBIT 16

Name	Voter ID #
Axe, Eleanor Caitlin Mary	701002688
Ayawan, Pamela Estafan	701495532
Becker, Cindy L	700943611
Beesley, Alexzandra Braelynn	700648079
Behn, Danielle Marie	701166069
Bernien, Sherry Ann	700663956
blake, charles Edward	700974427
Blake, Krista Renee	701027004
Blest, Amanda Rose	701459169
Blevins, Jaslyn Mae	701303073
Bloor, Amanda L	701455046
Bradley, Michael John	701000175
Buelow, Melissa A	701282510
Cerrato, Stefany Alyssa	701407171
Clark, Benjamin Earl	700974138
Clark, Samuel Gerald	701080620
Colby, Christine K	701414541
Colby, Douglas William	701414897
Cook, Taylor G	700946023
Coroneos, Olivia Rachael	701202246
Dambrosio, James Walter	701429570
Dauti, GERALYN J	701278225
Decorah, Freeman William	700595216
Degner, Crystal A	701695358
Drews, Christina Lynn	700623079
Dwyer, Crystal Jean	701082572
Fenton, Jason Leon	700850082
FRANK, JANITA R	701004504
Freeman, Brandon Riley	701070798
GARDNER, CAMRYN N	701344045
Gavin, Laura Anne	701469000
Gavin, Scott Michael	700881467
HACKNEY, BOBBI JOANNE	700874285
Hale, Zachary Evan	701337405
Halvorson, Jennifer Mae	701106121
Hansen, Daniel Dean	701190319
Hansen, Kelsey Inez	700919405
Hansen, Richard Vincent	700919400
Hanson, Jeffry A	700590898
Hartzell, Joshua W	701166383
Herritz, Emily A	700984044
Hoffman, Zane A	700831501
Holsten, Zachary Daniel	701223002
Hoppe, Taryn Elizabeth	701277819
Hughes, Sandra Jean	701001041
Hwyer, David Michael	701095588

EXHIBIT 16

Hyzer, Patricia Townsend	701119443
Hyzer, Reagan Cross	701086695
Johnson, Carrie M	700893615
JOHNSON, CHLOE M	700900273
Kalan, Angela Lucille	701283756
Kimball, Nathan James	701279687
Kinney, Ted William	700994303
Klaetsch, Kelly W	701256632
Koyle, Johanna F	700850997
Kundert, Alexis Luella	701211394
Liston, Fred Eugene	701274251
Liston, Kimberly Ann	701274201
Lopp, Rachel Katherine	701000957
Machovec, Jessica A	700949303
Machovec, Victor Allan	701413596
Mathis, Jaylynn Marie	700623004
Mathis, Mackenzie Raine	700999661
Mazon, Sari Ginger	701065759
McCauley, Thomas Spencer	701141844
McGinnis, Brendan Gerald	701379795
McGinnis, Ryan Elizabeth	701468273
McIntire, Amanda Marie	701491528
McIntire, Neal Edward	701337788
Meise, William Thomas	701145318
Miller, Nancy Elizabeth	701338724
Miller, Tayler Nicole	701435556
Morehouse, Aaron Thomas	701189427
Nehs, Laura Anne Marie	701398413
Neppl, Joni K	701301561
Neppl, Scott A	701321402
Neumaier, Melissa Marie Lu	700855065
Newkirk, Misty Mae	701213400
Nicholas, Charles R	701309039
Nicholas, Charles R	701027517
Ortiz Caraballo, Daliris	701311983
Parce, Sierra Lynn	700993912
Penshorn, Carly Grace	701006265
Perez, Luke Asa	701039282
Potts, Ryan James	701474912
Ravenscroft, Richard J	701174596
Rego, Kyle Martin	701244426
Reinemann, Jordan Elaine	701162824
Roeker, Ross Martin	700545008
Ruhland, David J	700940932
Ruhland, Zachary D	700954719
Scallion, Rebecca M	701168410

EXHIBIT 16

SCHLOSSER, KRISTI L	701238915
Schultz, Josiah David	701063746
Smith, Samuel Lewis	701002997
Splett, Justin Alan	701404342
Turner, Jessie Lynn	701307298
Urda, Johnathon David	701159752
Ushytko, Kami Jo	700960644
Werner, John Charles	701413878
Wilmot, Natalie Lucinda	701380771
Wischmann, Charles J	701083185
Wobschall, Morgan May	701388230
Wood, Jacob Joseph	701282355
Woodruff, Evan James	701346870
Zelt, Lisa Ann	700453198

Exhibit K



Peter <pmbmap123@gmail.com>

3 p.

public records request Mar 15th 2022

3 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Tue, Mar 15, 2022 at 12:27 PM

I request the following public records:

1. The last 200 emails a Karen Duchow sent to WEC, to include any employee or staff at WEC. To include the responses back to Duchow.
To include any and all attachments.

2. Her email address is kduchow@hudsonwi.gov

Pls send to me via email.

Peter

Elections PIO <Electionspio@wisconsin.gov>
To: Peter <pmbmap123@gmail.com>

Tue, Mar 15, 2022 at 1:05 PM

Dear Mr. Bernegger,

The Wisconsin Elections Commission acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

EXHIBIT 16

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Electionspio@wisconsin.gov

From: Peter <pmbmap123@gmail.com>

Sent: Tuesday, March 15, 2022 12:27 PM

To: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: public records request Mar 15th 2022

[Quoted text hidden]

Peter <pmbmap123@gmail.com>

To: Elections PIO <Electionspio@wisconsin.gov>

Tue, May 10, 2022 at 6:07 PM

Where are these records please?

Peter

EXHIBIT 16



Peter <pmbmap123@gmail.com>

asking where records are: Karen Duchow

1 message

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Mon, Apr 25, 2022 at 6:44 PM

I sent in a request some time ago now for the public records of
Karen Duchow, the Deputy Clerk of the City of Hudson, WI. Of her contacting
WEC/staff/employees, including replies. Where are those records please?

Peter

EXHIBIT 16



Exhibit L
2 p.
Peter <pmbmap123@gmail.com>

public records APR 25th 2022

8 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Mon, Apr 25, 2022 at 6:42 PM

I request the following public records:

1. Any and all invoices billed to WEC or its agent for advertising WEC contracted for in its attempts to get people in our state to register to vote. No matter the media form (newspapers, radio, TV, mailings, social media, bus ads, any/all other).
2. For the time period of 6 months (beginning with today going back 6 months).
3. I ask for these records in 10 days.
4. To be scanned and emailed to me.

Thank you,

Peter

Elections PIO <Electionspio@wisconsin.gov>

Tue, Apr 26, 2022 at 9:08
AM

To: Peter <pmbmap123@gmail.com>

EXHIBIT 16

Dear Mr. Bernegger,

The Wisconsin Elections Commission does not possess any responsive records to the request below.

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

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

P.O. Box 7984

Madison, WI 53707-7984

Elections@wisconsin.gov

From: Peter <pmbmap123@gmail.com>

Sent: Monday, April 25, 2022 6:43 PM

To: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: public records APR 25th 2022



Exhibit M
Peter <pmbmap123@gmail.com>
3 pages

public records April 4 2022

2 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Mon, Apr 4, 2022 at 3:28 PM

New public records request for the following records, pertaining to ERIC (Electronic Registration Information Center):

1. The last 200 text messages from ERIC (including all officers, employees) sent to the Wisconsin Election Commission (any/all officer, administrator, commissioner or employee). To exclude the communications sent in no.6 below. 200 texts in total, to clarify. To include any and all attachments.
2. The last 200 emails from ERIC (including all officers, employees) sent to the Wisconsin Election Commission (any/all officer, administrator, commissioner or employee). To exclude the communications sent in no.6 below. 200 emails in total, to clarify. To include any and all attachments.
3. To include any and all responses back from WEC to the 200 texts, to the 200 emails
4. The last 10 letters/memos sent to WEC.
5. Time: beginning from now going back in time until the 200 number is reached for both no.1 and no.2 above; until the 10 number is reached for no.4
6. The last 500 names, addresses, phone numbers and email addresses if any, of people you sent/delivered/gave/noticed to WEC to have them attempt to register said people to vote. I'm referring to your bylaws/contract page 16 Section 5(a) stating: *"When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how*

to register to vote." Starting from today working backwards until the 500 number is reached.

7. To be delivered to me please within 10 business days; suggest by email in a zip file

/s

Peter Bernegger April 4, 2022

Elections PIO <Electionspio@wisconsin.gov>
To: Peter <pmbmap123@gmail.com>

Wed, Apr 6, 2022 at 2:20 PM

Dear Mr. Bernegger,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

P.O. Box 7984

Madison, WI 53707-7984

EXHIBIT 16

7 p.

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Elections@do-a-wisconsin.gov

From: Peter <pmbmap123@gmail.com>
Sent: Wednesday, November 3, 2021 12:48 PM
To: ELECTIONS HelpDesk <elections@wisconsin.gov>
Subject: Nov 3rd public records request

[Quoted text hidden]

Elections PIO <Electionspio@wisconsin.gov>

Fri, Dec 3, 2021 at 10:32 AM

To: Peter <pmbmap123@gmail.com>

Dear Mr. Bernegger,

This email is in response to your November 3, 2021, public records request concerning individuals from St. Croix County. Regarding those 52 individuals, you requested:

EXHIBIT 16

- Your request is partially denied and partially redirected to a Badger Voters request.**

An eligible elector can apply for an absentee ballot electronically, by fax or email request, directly to the eligible elector's municipal clerk. This option exists for an eligible elector to apply for an absentee ballot as an absentee voter or as an indefinitely confined absentee voter, though the requirements of those applications differ. The WEC does not have custody of any such electronic applications, and you would need to submit a request directly to the relevant municipal clerk to obtain any copies. Therefore, your request as it pertains to electronic applications sent directly to a municipal clerk is denied because the WEC does not possess any responsive records.

Eligible electors may also submit registrations and applications online through MyVote. Each registration or application successfully submitted in this manner will automatically generate an email that the respective municipal clerk receives as well as data in WisVote. The WEC was formerly copied on these emails until 2020. However, these emails have been archived on 11,364 .pst files. To conduct this search, WEC staff would need to individually load each file and search for each individual you have listed. If each search took only two minutes, which is an extremely low estimate, it would take a minimum 19,698 hours to complete every needed search. There is no reasonable way for the WEC to conduct this search, and it would generate an absurd cost estimate in at least the hundreds of thousands of dollars. Your request as it relates to emails from 2020 and before on which the WEC was copied is therefore denied under Wis. Stat. § 19.35(1)(h) for being overly broad. However, this information can be obtained by submitting a request to the relevant municipal clerks or by seeking the data through Badger Voters.

All completed registrations and applications will generate data in WisVote. WisVote contains data about the date of registration of each elector and any absentee or indefinitely confined absentee applications that any eligible elector has submitted. To the extent the INTC has accessible records relating to your request,

you would need to submit that request to Badger Voters: <https://badgervoters.wi.gov/>. Badger Voters is likely the best way to receive the information you are seeking.

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

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Elections@wv.wisconsin.gov

From: Peter <pmbmap123@gmail.com>
Sent: Wednesday, November 3, 2021 12:48 PM
To: ELECTIONS HelpDesk <elections@wisconsin.gov>
Subject: Nov 3rd public records request



Exhibit O P.B.
Peter <pmbmap123@gmail.com>

N cont. -

Nov 3rd public records request

Elections PIO <Electionspio@wisconsin.gov>

Fri, Dec 3, 2021 at 10:32 AM

To: Peter <pmbmap123@gmail.com>

Dear Mr. Bernegger,

This email is in response to your November 3, 2021, public records request concerning individuals from St. Croix County. Regarding those 52 individuals, you requested:

1. Any and all voter applications/registrations (all time)
2. Any and all Absentee applications (all time)
3. Any and all Indefinitely confined applications (all time)

Your request is partially denied and partially redirected to a Badger Voters request.

An eligible elector can submit voter registrations, applications for absentee voting, and applications for indefinitely confined absentee voting either online or by using a physical form. Any physical registrations or applications are the responsibility of municipal clerks. The WEC does not have custody of any such records, and you would need to submit a request directly to the relevant municipal clerk to obtain any copies. Therefore, your request as it pertains to physical registrations and applications is denied because the WEC does not possess any responsive records.

An eligible elector can apply for an absentee ballot electronically, by fax or email request, directly to the eligible elector's municipal clerk. This option exists for an eligible elector to apply for an absentee ballot as an absentee voter or as an indefinitely confined absentee voter, though the requirements of those applications differ. The WEC does not have custody of any such electronic applications, and you would need to submit a request directly to the relevant municipal clerk to obtain any copies. Therefore, your request as it pertains to electronic applications sent directly to a municipal clerk is denied because the WEC does not possess any responsive records.

EXHIBIT 16

Eligible electors may also submit registrations and applications online through MyVote. Each registration or application successfully submitted in this manner will automatically generate an email that the respective municipal clerk receives as well as data in WisVote. The WEC was formerly copied on these emails until 2020. However, these emails have been archived on 11,364 .pst files. To conduct this search, WEC staff would need to individually load each file and search for each individual you have listed. If each search took only two minutes, which is an extremely low estimate, it would take a minimum 19,698 hours to complete every needed search. There is no reasonable way for the WEC to conduct this search, and it would generate an absurd cost estimate in at least the hundreds of thousands of dollars. Your request as it relates to emails from 2020 and before on which the WEC was copied is therefore denied under Wis. Stat. § 19.35(1)(h) for being overly broad. However, this information can be obtained by submitting a request to the relevant municipal clerks or by seeking the data through Badger Voters.

All completed registrations and applications will generate data in WisVote. WisVote contains data about the date of registration of each elector and any absentee or indefinitely confined absentee applications that any eligible elector has submitted. To the extent the WEC possesses accessible records relating to your request, you would need to submit that request to Badger Voters: <https://badgervoters.wi.gov/>. Badger Voters is likely the best way to receive the information you are seeking.

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

Sincerely,

Brandon Hunzicker

Staff Attorney

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

[Elections@wiscourts.gov](mailto: Elections@wiscourts.gov)

EXHIBIT 16

12/8/22, 1:07 PM

Case 2023CV000546

Document 155

Entered: 12/08/2022 Page 49 of 52
Gmail - Nov 3rd public records request

From: Peter <pmbmap123@gmail.com>
Sent: Wednesday, November 3, 2021 12:48 PM
To: ELECTIONS HelpDesk <elections@wisconsin.gov>
Subject: Nov 3rd public records request

I request the following public records from you. Attached is a list of 52 names and addresses of people, all in St Croix County. All were obtained from the WisVote voter registration list, dated this year. Of those 52 I ask for:

[Quoted text hidden]

EXHIBIT 16

Exhibit 0



Peter <pmbmap123@gmail.com>

3 p.

Mar 16th public records

3 messages

Peter <pmbmap123@gmail.com>
To: elections@wi.gov

Wed, Mar 16, 2022 at 7:20 AM

Requesting the following public records:

1. The MyVote.wi.gov registration applications applied for since August 18th, 2021 up until yesterday.

This is a computer run and thus a simple search. Please send by drive link, or by USB stick. Thank you,

Peter

Elections PIO <Electionspio@wisconsin.gov>

Wed, Mar 16, 2022 at 8:03 AM

To: Peter <pmbmap123@gmail.com>

Dear Mr. Bernegger,

The WEC established <https://badgervoters.wi.gov/> to process requests for voter data. Requests concerning this data are governed by Wis. Stat. § 6.36(6), with a fee structure set by rule in EL § 3.50. Please resubmit your request for custom data using this website.

Sincerely,

EXHIBIT 16

12/8/22, 1:08 PM

Case 2023CV000846

Document 35

Sited 09/17/2024
Gmail - Mar 16th public records

Page 52 of 52

CAUTION: This document originates from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

EXHIBIT 16

09-17-2024

efile Public Visual Render

ObjectID: 202421349349303427 - Submission: 2024-05-13

TIN: 81-3815137
OMB No. 1545-0047
Waukesha CountyForm **990****Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990 for instructions and the latest information.

2022

Open to Public Inspection

Department of the Treasury
Internal Revenue Service**A For the 2022 calendar year, or tax year beginning 07-01-2022, and ending 06-30-2023****B Check if applicable:**

- ☒ Address change
☐ Name change
☐ Initial return
☐ Final return/terminated
☐ Amended return
☐ Application pending

C Name of organization
The Center for Election Innovation & Research

Doing business as

Number and street (or P.O. box if mail is not delivered to street address)
1802 Vernon Street NW PMB2393

Room/suite

City or town, state or province, country, and ZIP or foreign postal code
Washington, DC 20009**D Employer identification number**

81-3815137

E Telephone number**G Gross receipts \$** 2,803,773**F Name and address of principal officer:**
David Becker**H(a) Is this a group return for**
subordinates? ☐ Yes ☒ No**H(b) Are all subordinates**
included? ☐ Yes ☐ No

If "No," attach a list. See instructions.

H(c) Group exemption number**I Tax-exempt status:** ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐

527

J Website: <https://electioninnovation.org>**K Form of organization:** ☒ Corporation ☐ Trust ☐ Association ☐ Other**L Year of formation:** 2016**M State of legal domicile:**
DE**Part I Summary****1 Briefly describe the organization's mission or most significant activities:**

CEIR seeks to restore trust in the American election system and promote election procedures that encourage participation while ensuring election integrity and security.

2 Check this box ☐**3 Number of voting members of the governing body (Part VI, line 1a)****3** 6**4 Number of independent voting members of the governing body (Part VI, line 1b)****4** 5**5 Total number of individuals employed in calendar year 2022 (Part V, line 2a)****5** 15**6 Total number of volunteers (estimate if necessary)****6** 7**7a Total unrelated business revenue from Part VIII, column (C), line 12****7a** 0

Net unrelated business taxable income from Form 990-T, Part I, line 11

7b 0**8 Contributions and grants (Part VIII, line 1h)**
9 Program service revenue (Part VIII, line 2g)
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)
12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)**Prior Year****Current Year**

23,375,722

2,529,575

22,143

47,857

2,515

226,198

143

23,400,380

2,803,773

13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)

17,147,573

225,000

14 Benefits paid to or for members (Part IX, column (A), line 4)

0

15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)

887,809

1,353,589

16a Professional fundraising fees (Part IX, column (A), line 11e)

0

b Total fundraising expenses (Part IX, column (D), line 25) 82,861

586,595

1,535,282

17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)

18,621,977

3,113,871

18 Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)

4,778,403

-310,098

19 Revenue less expenses. Subtract line 18 from line 12**Beginning of Current Year****End of Year**

13,364,191

11,666,671

20 Total assets (Part X, line 16)

EXHIBIT 17

Net Funds	21 Total liabilities (Part X, line 20)	1,020,875	208,896
	22 Net assets or fund balances. Subtract line 21 from line 20	11,743,316	11,457,775

Part II **Signature Block**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer	2024-05-13
	Date	
	David Becker Executive Direc	
	Type or print name and title	

**Paid
Preparer
Use Only**

Print/Type preparer's name	Preparer's signature	Date 2024-05-13	Check <input type="checkbox"/> If PTIN P01429307
Firm's name Mullins PC			self-employed Firm's EIN 47-4306215
Firm's address 7625 Wisconsin Avenue Bethesda, MD 20814			Phone no. (202) 770-6371

May the IRS discuss this return with the preparer shown above? See Instructions.

☒ Yes ☐ No**For Paperwork Reduction Act Notice, see the separate instructions.**

Cat. No. 11282Y

Form **990** (2022)

Page 2

Form 990 (2022)

Page **2**Part III **Statement of Program Service Accomplishments**Check if Schedule O contains a response or note to any line in this Part III ☐**1** Briefly describe the organization's mission:

CEIR seeks to restore trust in the American election system and promote election procedures that encourage participation while ensuring election integrity and security.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a	(Code:) (Expenses \$ 2,366,335 including grants of \$) (Revenue \$)
CEIR conducts elections research and works with election officials from around the country and both sides of the aisle to support elections that voters should and do trust. CEIRs efforts evolve over time, and have included work to improve election cybersecurity and contextualize efforts to improve the integrity of the voting process. CEIRs Election Official Legal Defense Network (EOLDN) supports election officials by connecting them to pro bono attorneys and communications professionals.	

4b	(Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c	(Code:) (Expenses \$ including grants of \$) (Revenue \$)

EXHIBIT 17

4d	Other program services (Describe in Schedule O.) (Expenses \$ _____ including grants of \$ _____) (Revenue \$ _____)
4e	Total program service expenses 2,366,335

Form 990 (2022)

Page 3

Form 990 (2022)

Page 3

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A <input checked="" type="checkbox"/>	Yes	
2 Is the organization required to complete Schedule B, Schedule of Contributors? See instructions. <input checked="" type="checkbox"/>	Yes	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II <input checked="" type="checkbox"/>	Yes	
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Rev. Proc. 98-19? If "Yes," complete Schedule C, Part III		No
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? If "Yes," complete Schedule D, Part V		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X, as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI <input checked="" type="checkbox"/>	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX		No
e Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X <input checked="" type="checkbox"/>	Yes	
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X <input checked="" type="checkbox"/>	Yes	
12a Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII <input checked="" type="checkbox"/>	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I. See instructions.		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II		No

EXHIBIT 17

19	Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III	19		No
20a	Did the organization operate one or more hospital facilities? If "Yes," complete Schedule H	20a		No
b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	20b		
21	Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	21	Yes	

Form 990 (2022)

Page 4

Form 990 (2022)

Page 4

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III	22	No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	23	Yes
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a	24a	No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b	
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c	
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d	
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I	25a	No
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	25b	No
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II	26	No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III	27	No
28 Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV	28a	No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV	28b	No
c A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? If "Yes," complete Schedule L, Part IV	28c	No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M	29	No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M	30	No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I	31	No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II	32	No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I	33	No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1	34	No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a	No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2	35b	No
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2	36	No
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI	37	No
38 Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	38	Yes

EXHIBIT 17

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V ☐

Yes No

- 1a Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable 17
- 1b Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable 0
- 1c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? Yes

Form 990 (2022)

Page 5

Form 990 (2022)

Page 5

Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	15	2b	Yes	
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?		3a		No
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?		3b		
b	If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O		4a		No
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?				
b	If "Yes," enter the name of the foreign country: See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).		5a		No
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		5b		No
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		5c		
c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?		6a		No
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?		6b		
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		7a		No
7	Organizations that may receive deductible contributions under section 170(c).		7b		
a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?		7c		No
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?				
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		7d		
d	If "Yes," indicate the number of Forms 8282 filed during the year		7e		No
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		7f		No
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		7g		
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		7h		
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		8		
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?		9a		
9	Sponsoring organizations maintaining donor advised funds.		9b		
a	Did the sponsoring organization make any taxable distributions under section 4966?				
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?				
10	Section 501(c)(7) organizations. Enter:				
a	Initiation fees and capital contributions included on Part VIII, line 12	10a			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	Section 501(c)(12) organizations. Enter:				
a	Gross income from members or shareholders	11a			
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?		12a		
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13	Section 501(c)(29) qualified nonprofit health insurance issuers.				
a	Is the organization licensed to issue qualified health plans in more than one state?		13a		

Note. See the instructions for additional information the organization must report on Schedule O.

EXHIBIT 17

NOTE. See the instructions for additional information the organization must report on Schedule O.

b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b			
c Enter the amount of reserves on hand	13c			
14a Did the organization receive any payments for indoor tanning services during the tax year?	14a		No	
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	14b			
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.	15		No	
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	16		No	
17 Section 501(c)(21) organizations. Did the trust, or any disqualified or other person engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? If "Yes," complete Form 6069.	17			

Form 990 (2022)

Page 6

Form 990 (2022)

Page 6

Part VI Governance, Management, and Disclosure. For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response or note to any line in this Part VI ☒

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a	6	
b Enter the number of voting members included in line 1a, above, who are independent	1b	5	
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a	No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b	
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes
b Describe on Schedule O the process, if any, used by the organization to review this Form 990.		
12a Did the organization have a written conflict of interest policy? If "No," go to line 13	12a	Yes
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	Yes
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe on Schedule O how this was done	12c	Yes
13 Did the organization have a written whistleblower policy?	13	Yes
14 Did the organization have a written document retention and destruction policy?	14	Yes
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a The organization's CEO, Executive Director, or top management official	15a	Yes
b Other officers or key employees of the organization	15b	Yes
If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions.		

EXHIBIT 17

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a	No
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b	

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed: CA, CO, DC, FL, IL, MA, NY, PA, RI, WA
- 18** Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
☒ Own website ☐ Another's website ☒ Upon request ☐ Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
The Organization 1802 Vernon Street NW PMB2393 Washington, DC 20009 (202) 780-1600

Form 990 (2022)

Page 7

Form 990 (2022)

Page 7

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent ContractorsCheck if Schedule O contains a response or note to any line in this Part VII ☐**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees**

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
 - List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."
 - List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (box 5 of Form W-2, box 6 of Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than \$100,000 from the organization and any related organizations.
 - List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
 - List all of the organization's **former** directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.
- See the instructions for the order in which to list the persons above.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)					(D) Reportable compensation from the organization (W-2/1099-MISC/1099-NEC)	(E) Reportable compensation from related organizations (W-2/1099-MISC/1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee			
(1) David Becker Executive Director and Presid	40.00 0.00	X		X			260,000	0	13,000
(2) Jacob Kipp Chief of Staff	40.00 0.00					X	121,354	0	13,250
(3) Ray Martinez Board Member	1.00 0.00	X					0	0	0
(4) Pam Anderson Board Member	1.00 0.00	X					0	0	0
(5) Kirk Jowers Board Member	1.00 0.00	X					0	0	0
(6) Trey Grayson Secretary	1.00 0.00	X		X			0	0	0
(7) Kevin Kennedy	1.00								

EXHIBIT 17

[illegible]

Form 990 (2022)

Page 8

Form 990 (2022)

Page 8

Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

[illegible]

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization ▶ 2

3 Did the organization list any **former** officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual

4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If "Yes," complete Schedule J for such individual.

	Yes	No
3		No

EXHIBIT 17

4	Yes	
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? If "Yes," complete Schedule J for such person	No

Section B. Independent Contractors

- 1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
Brass Ring Communications, 1712 E Street SE Washington, DC 20003	Communications	190,615
Sally Steffan, 2658 Griffith Park Blvd 360 Los Angeles, CA 90039	Legal	101,888

- 2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization ▶ 2

Form 990 (2022)

Page 9

Form 990 (2022)

Page 9

Part VIII Statement of RevenueCheck if Schedule O contains a response or note to any line in this Part VIII ☐

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
1 Contributions: campaigns				
Gifts, Grants, and Membership dues				
Other Amounts				
1a Similar				
1b Fundraising events				
1c Related organizations				
1d Government grants (contributions)				
1e All other contributions, gifts, grants, and similar amounts not included above				
1f 2,529,575				
1g Noncash contributions included in lines 1a - 1f: \$				
h Total. Add lines 1a-1f	2,529,575			

2a Program Services	Business Code			
	900099	47,857	47,857	
f All other program service revenue.				
g Total. Add lines 2a-2f.	47,857			
3 Investment income (including dividends, interest, and other similar amounts)	226,198			226,198
4 Income from investment of tax-exempt bond proceeds				

EXHIBIT 17

Other Revenue		(i) Real	(ii) Personal				
5 Royalties							
6a Gross rents	6a						
b Less: rental expenses	6b						
c Rental income or (loss)	6c						
d Net rental income or (loss)							
7a Gross amount from sales of assets other than inventory	7a	(i) Securities	(ii) Other				
Less: cost or other basis and sales expenses	7b						
Gain or (loss)	7c						
d Net gain or (loss)							
a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	8a						
b Less: direct expenses	8b						
c Net income or (loss) from fundraising events							
9a Gross income from gaming activities. See Part IV, line 19	9a						
b Less: direct expenses	9b						
c Net income or (loss) from gaming activities							
10a Gross sales of inventory, less returns and allowances	10a						
b Less: cost of goods sold	10b						
c Net income or (loss) from sales of inventory							
11a Miscellaneous Income	Business Code	900099	143	143			
b							
d All other revenue							
e Total. Add lines 11a-11d			143				
12 Total revenue. See instructions			2,803,773	48,000	0		226,198

Form 990 (2022)

Page 10

Form 990 (2022)

Page 10

Part IX Statement of Functional Expenses				
Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).				
Check if Schedule O contains a response or note to any line in this Part IX <input checked="" type="checkbox"/>				
Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21	225,000	225,000		
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16				

EXHIBIT 17

4	Benefits paid to or for members				
5	Compensation of current officers, directors, trustees, and key employees	260,000	186,829	56,205	16,966
6	Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7	Other salaries and wages	870,169	625,278	188,107	56,784
8	Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	45,845	31,959	10,198	3,688
9	Other employee benefits	68,809	34,781	34,018	10
10	Payroll taxes	108,766	61,279	43,443	4,044
11	Fees for services (non-employees):				
a	Management	591		2	589
b	Legal	198,525	51,774	146,751	
c	Accounting	23,124		23,124	
d	Lobbying				
e	Professional fundraising services. See Part IV, line 17				
f	Investment management fees				
g	Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O.)	611,561	592,973	18,588	
12	Advertising and promotion	40,872	40,772	100	
13	Office expenses	28,157	24,183	3,974	
14	Information technology				
15	Royalties				
16	Occupancy	77,534		77,534	
17	Travel	141,232	136,799	3,653	780
18	Payments of travel or entertainment expenses for any federal, state, or local public officials				
19	Conferences, conventions, and meetings	364,316	333,987	30,329	
20	Interest				
21	Payments to affiliates				
22	Depreciation, depletion, and amortization	3,017		3,017	
23	Insurance	11,881		11,881	
24	Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a	Dues and Subscriptions	18,026	16,476	1,550	
b	Other	16,446	4,245	12,201	
c				
d				
e	All other expenses				
25	Total functional expenses. Add lines 1 through 24e	3,113,871	2,366,335	664,675	82,861
26	Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2022)

Page 11

Form 990 (2022)

Page 11

Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part IX ☐

	(A) Beginning of year		(B) End of year
1 Cash-non-interest-bearing	12,052,773	1	2,530,628
2 Savings and temporary cash investments		2	
3 Pledges and grants receivable, net	1,263,993	3	644,787
4 Accounts receivable, net		4	

EXHIBIT 17

Assets	5	Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5		
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6		
	7	Notes and loans receivable, net		7		
	8	Inventories for sale or use		8		
	9	Prepaid expenses and deferred charges	38,731	9	261,178	
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 17,578			
	b	Less: accumulated depreciation	10b 8,419	8,694	10c 9,159	
	11	Investments—publicly traded securities		11	8,171,404	
	12	Investments—other securities. See Part IV, line 11		12		
	13	Investments—program-related. See Part IV, line 11		13		
	14	Intangible assets		14		
	15	Other assets. See Part IV, line 11		15	49,515	
	16	Total assets. Add lines 1 through 15 (must equal line 33)	13,364,191	16	11,666,671	
	Liabilities	17	Accounts payable and accrued expenses	98,835	17	150,544
		18	Grants payable		18	
		19	Deferred revenue	22,040	19	
20		Tax-exempt bond liabilities		20		
21		Escrow or custodial account liability. Complete Part IV of Schedule D		21		
22		Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22		
23		Secured mortgages and notes payable to unrelated third parties		23		
24		Unsecured notes and loans payable to unrelated third parties		24		
25		Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D	1,500,000	25	58,352	
26		Total liabilities. Add lines 17 through 25	1,620,875	26	208,896	
Net Assets or Fund Balances		Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.				
	27	Net assets without donor restrictions	11,743,316	27	11,457,775	
	28	Net assets with donor restrictions		28		
		Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.				
	29	Capital stock or trust principal, or current funds		29		
	30	Paid-in or capital surplus, or land, building or equipment fund		30		
	31	Retained earnings, endowment, accumulated income, or other funds		31		
	32	Total net assets or fund balances	11,743,316	32	11,457,775	
	33	Total liabilities and net assets/fund balances	13,364,191	33	11,666,671	

Form 990 (2022)

Form 990 (2022)

Page 12

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI ☐

1	Total revenue (must equal Part VIII, column (A), line 12)	1	2,803,773
2	Total expenses (must equal Part IX, column (A), line 25)	2	3,113,871
3	Revenue less expenses. Subtract line 2 from line 1	3	-310,098
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	11,743,316
5	Net unrealized gains (losses) on investments	5	24,557
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	11,457,775

Part VII Financial Statements and Reporting

Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII ☐

- 1 Accounting method used to prepare the Form 990: ☐ Cash ☒ Accrual ☐ Other _____
If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.
- 2a Were the organization's financial statements compiled or reviewed by an independent accountant?
If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
- ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis
- b Were the organization's financial statements audited by an independent accountant?
If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
- ☒ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis
- c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Uniform Guidance, 2 C.F.R. Part 200, Subpart F?
- b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2022)

Form 990 (2022)

Additional Data

Return to Form

Software ID:

Software Version:

Form 990, Special Condition Description:

Special Condition Description

efile Public Visual Render		ObjectID: 202421349349303427 - Submission: 2024-05-13		TIN: 81-3815137	
SCHEDULE A (Form 990)		Public Charity Status and Public Support			OMB No. 1545-0047
Department of the Treasury Internal Revenue Service		Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust. ▶ Attach to Form 990 or Form 990-EZ. ▶ Go to www.irs.gov/Form990 for instructions and the latest information.			2022 Open to Public Inspection
Name of the organization The Center for Election Innovation & Research				Employer identification number 81-3815137	

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
- 2 ☐ A school described in section 170(b)(1)(A)(ii). (Attach Schedule E (Form 990).)

EXHIBIT 17

- ☐ 3 A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.
- ☐ 4 A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state: _____
- ☐ 5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- ☐ 6 A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- ☒ 7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- ☐ 8 A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- ☐ 9 An agricultural research organization described in **170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land grant college of agriculture. See instructions. Enter the name, city, and state of the college or university:
- ☐ 10 An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- ☐ 11 An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.
- ☐ 12 An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box on lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.
- a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**
- b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**
- c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**
- d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**
- e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
- f Enter the number of supported organizations
- 9 Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1- 10 above (see instructions))	(iv) Is the organization listed in your governing document?		(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes	No		
Total						

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Cat. No. 11285F

Schedule A (Form 990) 2022

Page 2

Schedule A (Form 990) 2022

Page 2

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.") . . .	1,026,887	1,104,170	56,882,630	23,397,865	2,577,432	84,988,984
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge..						
4 Total. Add lines 1 through 3	1,026,887	1,104,170	56,882,630	23,397,865	2,577,432	84,988,984
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on						

590,966

EXHIBIT 17

line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						84,398,018
Section B. Total Support						
Calendar year (or fiscal year beginning in) ▶	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
7 Amounts from line 4.	1,026,887	1,104,170	56,882,630	23,397,865	2,577,432	84,988,984
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.	1,542	1,723	4,748	2,515	226,198	236,726
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.).					143	143
11 Total support. Add lines 7 through 10						85,225,853
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here <input type="checkbox"/>						
Section C. Computation of Public Support Percentage						
14 Public support percentage for 2022 (line 6, column (f) divided by line 11, column (f))					14	99.030 %
15 Public support percentage for 2021 Schedule A, Part II, line 14					15	99.590 %
16a 33 1/3% support test—2022. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input checked="" type="checkbox"/>						
b 33 1/3% support test—2021. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input type="checkbox"/>						
17a 10%-facts-and-circumstances test—2022. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>						
b 10%-facts-and-circumstances test—2021. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>						
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions <input type="checkbox"/>						

Schedule A (Form 990) 2022

Page 3

Schedule A (Form 990) 2022

Page 3

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.						

EXHIBIT 17

c	Add lines 7a and 7b.					
8	Public support. (Subtract line 7c from line 6.)					
Section B. Total Support						
Calendar year (or fiscal year beginning in) ▶		(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022
9	Amounts from line 6.					
10a	Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.					
b	Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.					
c	Add lines 10a and 10b.					
11	Net income from unrelated business activities not included on line 10b, whether or not the business is regularly carried on.					
12	Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)					
13	Total support. (Add lines 9, 10c, 11, and 12.)					
14	First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here.					<input type="checkbox"/>
Section C. Computation of Public Support Percentage						
15	Public support percentage for 2022 (line 8, column (f) divided by line 13, column (f))					15
16	Public support percentage from 2021 Schedule A, Part III, line 15					16
Section D. Computation of Investment Income Percentage						
17	Investment income percentage for 2022 (line 10c, column (f) divided by line 13, column (f))					17
18	Investment income percentage from 2021 Schedule A, Part III, line 17					18
19a	33 1/3% support tests—2022. If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization					<input type="checkbox"/>
b	33 1/3% support tests—2021. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization					<input type="checkbox"/>
20	Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions					<input type="checkbox"/>

Schedule A (Form 990) 2022

Part IV Supporting Organizations

(Complete only if you checked a box on line 12 of Part I. If you checked box 12a, of Part I, complete Sections A and B. If you checked box 12b, of Part I, complete Sections A and C. If you checked box 12c, of Part I, complete Sections A, D, and E. If you checked box 12d, of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

	Yes	No
1	Are all of the organization's supported organizations listed by name in the organization's governing documents? If "No," describe in Part VI how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.	
2	Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? If "Yes," explain in Part VI how the organization determined that the supported organization was described in section 509(a)(1) or (2).	
3a	Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? If "Yes," answer lines 3b and 3c below.	
b	Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? If "Yes," describe in Part VI when and how the organization made the determination.	
c	Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? If "Yes," explain in Part VI what controls the organization put in place to ensure such use.	
4a	Was any supported organization not organized in the United States ("foreign supported organization")? If "Yes" and if you checked box 12a or 12b in Part I, answer lines 4b and 4c below.	
b	Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? If "Yes," describe in Part VI how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.	
c	Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? If "Yes," explain in Part VI what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.	
E	Did the organization add, substitute, or remove any supported organizations during the tax year? If "Yes," answer lines 5b	

5a	Did the organization add, substitute, or remove any supported organizations during the tax year? If "Yes," answer lines 5b and 5c below (if applicable). Also, provide detail in Part VI , including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).		
5b	Type I or Type II only. Was any added or substituted supported organization part of a class already designated in the organization's organizing document?		
5c	Substitutions only. Was the substitution the result of an event beyond the organization's control?		
6	Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? If "Yes," provide detail in Part VI .		
7	Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? If "Yes," complete Part I of Schedule L (Form 990) .		
8	Did the organization make a loan to a disqualified person (as defined in section 4958) not described on line 7? If "Yes," complete Part I of Schedule L (Form 990) .		
9a	Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons, as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? If "Yes," provide detail in Part VI .		
9b	Did one or more disqualified persons (as defined on line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? If "Yes," provide detail in Part VI .		
9c	Did a disqualified person (as defined on line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? If "Yes," provide detail in Part VI .		
10a	Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? If "Yes," answer line 10b below.		
10b	Did the organization have any excess business holdings in the tax year? (Use Schedule C, Form 4720 , to determine whether the organization had excess business holdings).		

Schedule A (Form 990) 2022

Page 5

Schedule A (Form 990) 2022

Page 5

Part IV Supporting Organizations (continued)

	Yes	No
11 Has the organization accepted a gift or contribution from any of the following persons?		
a A person who directly or indirectly controls, either alone or together with persons described on lines 11b and 11c below, the governing body of a supported organization?		
11a		
b A family member of a person described on 11a above?		
11b		
c A 35% controlled entity of a person described on line 11a or 11b above? If "Yes" to 11a, 11b, or 11c, provide detail in Part VI .		
11c		

Section B. Type I Supporting Organizations

	Yes	No
1 Did the officers, directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? If "No," describe in Part VI how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.		
1		
2 Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? If "Yes," explain in Part VI how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization.		
2		

Section C. Type II Supporting Organizations

	Yes	No
1 Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If "No," describe in Part VI how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).		
1		

Section D. All Type III Supporting Organizations

	Yes	No
1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?		
1		
2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? If "No," explain in Part VI how the organization maintained a close and continuous working relationship with the supported organization(s).		

EXHIBIT 17

- 3 By reason of the relationship described in line 2 above, did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in **Part VI** the role the organization's supported organizations played in this regard.

4		
3		

Section E. Type III Functionally-Integrated Supporting Organizations

- 1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions):

- a ☐ The organization satisfied the Activities Test. Complete **line 2** below.
- b ☐ The organization is the parent of each of its supported organizations. Complete **line 3** below.
- c ☐ The organization supported a governmental entity. Describe in **Part VI** how you supported a government entity (see instructions)

- 2 Activities Test. Answer lines 2a and 2b below.

- a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If "Yes," then in **Part VI** identify those supported organizations and explain how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.
- b Did the activities described on line 2a, above constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? If "Yes," explain in **Part VI** the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.

	Yes	No
2a		
2b		
3a		
3b		

- 3 Parent of Supported Organizations. Answer lines 3a and 3b below.

- a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? If "Yes" or "No," provide details in **Part VI**.
- b Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? If "Yes," describe in **Part VI** the role played by the organization in this regard.

Schedule A (Form 990) 2022

Page 6

Schedule A (Form 990) 2022

Page 6

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

- 1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in **Part VI**). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A - Adjusted Net Income

(A) Prior Year

(B) Current Year
(optional)

1	Net short-term capital gain	1
2	Recoveries of prior-year distributions	2
3	Other gross income (see instructions)	3
4	Add lines 1 through 3	4
5	Depreciation and depletion	5
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6
7	Other expenses (see instructions)	7
8	Adjusted Net Income (subtract lines 5, 6 and 7 from line 4)	8

Section B - Minimum Asset Amount

(A) Prior Year

(B) Current Year
(optional)

1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):	1
---	---	---

EXHIBIT 17

a Average monthly value of securities	1a	
b Average monthly cash balances	1b	
c Fair market value of other non-exempt-use assets	1c	
d Total (add lines 1a, 1b, and 1c)	1d	
e Discount claimed for blockage or other factors (explain in detail in Part VI):		
2 Acquisition indebtedness applicable to non-exempt use assets	2	
3 Subtract line 2 from line 1d	3	
4 Cash deemed held for exempt use. Enter 0.015 of line 3 (for greater amount, see instructions).	4	
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6 Multiply line 5 by 0.035	6	
7 Recoveries of prior-year distributions	7	
8 Minimum Asset Amount (add line 7 to line 6)	8	
Section C - Distributable Amount		
Current Year		
1 Adjusted net income for prior year (from Section A, line 8, Column A)	1	
2 Enter 85% of line 1	2	
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	3	
4 Enter greater of line 2 or line 3	4	
5 Income tax imposed in prior year	5	
6 Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6	
7 <input type="checkbox"/> Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)		

Schedule A (Form 990) 2022

Page 7

Schedule A (Form 990) 2022

Page 7

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)		Current Year
Section D - Distributions		
1 Amounts paid to supported organizations to accomplish exempt purposes	1	
2 Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	2	
3 Administrative expenses paid to accomplish exempt purposes of supported organizations	3	
4 Amounts paid to acquire exempt-use assets	4	
5 Qualified set-aside amounts (prior IRS approval required - provide details in Part VI)	5	

EXHIBIT 17

6 Other distributions (describe in Part VI). See instructions	6
7 Total annual distributions. Add lines 1 through 6.	7
8 Distributions to attentive supported organizations to which the organization is responsive (provide details in Part VI). See instructions	8
9 Distributable amount for 2022 from Section C, line 6	9
10 Line 8 amount divided by Line 9 amount	10

Section E - Distribution Allocations (see instructions)	(i) Excess Distributions	(ii) Underdistributions Pre-2022	(iii) Distributable Amount for 2022
1 Distributable amount for 2022 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2022 (reasonable cause required-- explain in Part VI). See instructions.			
3 Excess distributions carryover, if any, to 2022:			
a From 2017.			
b From 2018.			
c From 2019.			
d From 2020.			
e From 2021.			
f Total of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2022 distributable amount			
i Carryover from 2017 not applied (see instructions)			

efile Public Visual Render ObjectID: 202421349349303427 - Submission: 2024-05-13 TIN: 81-3815137

Schedule B

(Form 990)
Department of the Treasury
Internal Revenue Service

Schedule of Contributors

► Attach to Form 990, 990-EZ, or 990-PF.
► Go to www.irs.gov/Form990 for the latest information.

OMB No. 1545-0047

2022

Name of the organization
The Center for Election Innovation & Research

Employer identification number

81-3815137

Organization type (check one):**Filers of:****Section:**

Form 990 or 990-EZ

- ☐ 501(c)() (enter number) organization
- ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- ☐ 527 political organization

Form 990-PF

- ☐ 501(c)(3) exempt private foundation
- ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
- ☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

- ☐ For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or other property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 221% support test of the regulations

EXHIBIT 17

☐ For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 50% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.



For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 *exclusively* for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.



For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions *exclusively* for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Don't complete any of the parts unless the **General Rule** applies to this organization because it received *nonexclusively* religious, charitable, etc., contributions totaling \$5,000 or more during the year. ▶ \$ _____

Caution: An organization that isn't covered by the General Rule and/or the Special Rules doesn't file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990PF, Part I, line 2, to certify that it doesn't meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

For Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF.

Cat. No. 30613X

Schedule B (Form 990) (2022)

Page 2

Page 2

Schedule B (Form 990) (2022)

Name of organization
The Center for Election Innovation & Research

Employer identification number
81-3815137

Part I
Contributors (see instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
RESTRICTED		\$ RESTRICTED	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
			<input type="checkbox"/> Person

EXHIBIT 17

		\$	<input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)

Schedule B (Form 990) (2022)

Page 3

Schedule B (Form 990) (2022)

Page 3

 Name of organization
 The Center for Election Innovation & Research

Employer identification number

81-3815137

Part II Noncash Property (see instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
		\$	

EXHIBIT 17

Part I	(See instructions)
	\$

Schedule B (Form 990) (2022)

Page 4

Schedule B (Form 990) (2022)

Page 4

Name of organization The Center for Election Innovation & Research	Employer identification number 81-3815137
---	--

Part III Exclusively religious, charitable, etc., contributions to organizations described in section 501(c)(7), (8), or (10) that total more than \$1,000 for the year from any one contributor. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of \$1,000 or less for the year. (Enter this information once. See instructions.) ▶ \$

Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	(e) Transfer of gift		
	Transferee's name, address, and ZIP 4		Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	(e) Transfer of gift		
	Transferee's name, address, and ZIP 4		Relationship of transferor to transferee

eFile Public Visual Render	ObjectID: 202421349349303427 - Submission: 2024-05-13	TIN: 81-3815137
----------------------------	---	-----------------

SCHEDULE C
(Form 990)Department of the Treasury
Internal Revenue Service**Political Campaign and Lobbying Activities**

For Organizations Exempt From Income Tax Under section 501(c) and section 527

▶ Complete if the organization is described below. ▶ Attach to Form 990 or Form 990-EZ.
▶ Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2022Open to Public
Inspection

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
- Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
- Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization The Center for Election Innovation & Research	Employer identification number 81-3815137
---	--

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- Provide a description of the organization's direct and indirect political campaign activities in Part IV. See instructions for definition of "political campaign activities."
- Political campaign activity expenditures. See instructions ▶ \$
- Volunteer hours for political campaign activities. See instructions ▶

Part I-B Complete if the organization is exempt under section 501(c)(3).

- Enter the amount of any excise tax incurred by the organization under section 4955 ▶ \$
- Enter the amount of any excise tax incurred by organization managers under section 4955 ▶ \$

EXHIBIT 17

- 3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? ☐ Yes ☐ No
- 4a Was a correction made? ☐ Yes ☐ No
- b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities \$
- 2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities \$
- 3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b..... \$
- 4 Did the filing organization file **Form 1120-POL** for this year? ☐ Yes ☐ No
- 5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds. If none, enter -0-.	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization. If none, enter -0-.
1				
2				
3				
4				
5				
6				

For Paperwork Reduction Act Notice, see the instructions for Form 990.

Cat. No. 50084S

Schedule C (Form 990) 2022

Page 2

Schedule C (Form 990) 2022

Page 2

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

- A Check ☐ if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B Check ☐ if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Filing organization's totals	(b) Affiliated group totals												
1a	Total lobbying expenditures to influence public opinion (grass roots lobbying)														
b	Total lobbying expenditures to influence a legislative body (direct lobbying)	1,448													
c	Total lobbying expenditures (add lines 1a and 1b)	1,448													
d	Other exempt purpose expenditures	3,112,423													
e	Total exempt purpose expenditures (add lines 1c and 1d)	3,113,871													
f	Lobbying nontaxable amount. Enter the amount from the following table in both columns.	305,694													
<table><thead><tr><th>If the amount on line 1e, column (a) or (b) is:</th><th>The lobbying nontaxable amount is:</th></tr></thead><tbody><tr><td>Not over \$500,000</td><td>20% of the amount on line 1e.</td></tr><tr><td>Over \$500,000 but not over \$1,000,000</td><td>\$100,000 plus 15% of the excess over \$500,000.</td></tr><tr><td>Over \$1,000,000 but not over \$1,500,000</td><td>\$175,000 plus 10% of the excess over \$1,000,000.</td></tr><tr><td>Over \$1,500,000 but not over \$17,000,000</td><td>\$225,000 plus 5% of the excess over \$1,500,000.</td></tr><tr><td>Over \$17,000,000</td><td>\$1,000,000.</td></tr></tbody></table>		If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:	Not over \$500,000	20% of the amount on line 1e.	Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.	Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.	Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.	Over \$17,000,000	\$1,000,000.		
If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:														
Not over \$500,000	20% of the amount on line 1e.														
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.														
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.														
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.														
Over \$17,000,000	\$1,000,000.														
g	Grassroots nontaxable amount (enter 25% of line 1f)	76,424													
h	Subtract line 1g from line 1a. If zero or less, enter -0-														
i	Subtract line 1f from line 1c. If zero or less, enter -0-														
j	If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting														

☐ Yes ☐ No

EXHIBIT 17

section 4911 tax for this year?

4-Year Averaging Period Under Section 501(h)**(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)****Lobbying Expenditures During 4-Year Averaging Period**

Calendar year (or fiscal year beginning in)	(a) 2019	(b) 2020	(c) 2021	(d) 2022	(e) Total
2a Lobbying nontaxable amount	142,821	1,000,000	1,000,000	305,694	2,448,515
b Lobbying ceiling amount (150% of line 2a, column(e))					3,672,773
c Total lobbying expenditures	374	1,927	254	1,448	4,003
d Grassroots nontaxable amount	35,705	250,000	250,000	76,424	612,129
e Grassroots ceiling amount (150% of line 2d, column (e))					918,194
f Grassroots lobbying expenditures					

Schedule C (Form 990) 2022

Page 3

Schedule C (Form 990) 2022

Page 3

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			
d Mailings to members, legislators, or the public?			
e Publications, or published or broadcast statements?			
f Grants to other organizations for lobbying purposes?			
g Direct contact with legislators, their staffs, government officials, or a legislative body?			
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i Other activities?			
j Total. Add lines 1c through 1i			
2a Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b If "Yes," enter the amount of any tax incurred under section 4912			
c If "Yes," enter the amount of any tax incurred by organization managers under section 4912			

efile Public Visual Render

ObjectID: 202421349349303427 - Submission: 2024-05-13

TIN: 81-3815137

OMB No. 1545-0047

SCHEDULE D
(Form 990)**Supplemental Financial Statements****2022**Open to Public
InspectionDepartment of the Treasury
Internal Revenue Service

► Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.
► Attach to Form 990.
► Go to www.irs.gov/Form990 for instructions and the latest information.

Name of the organization

The Center for Election Innovation & Research

Employer identification number

81-3815137

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate value of contributions to (during year)		
3 Aggregate value of grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the

EXHIBIT 17

organization's property, subject to the organization's exclusive legal control?

☐ Yes ☐ No

- 6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit?

☐ Yes ☐ No

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements held by the organization (check all that apply).

- ☐ Preservation of land for public use (e.g., recreation or education) ☐ Preservation of an historically important land area
☐ Protection of natural habitat ☐ Preservation of a certified historic structure
☐ Preservation of open space

- 2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

Held at the End of the Year

- a Total number of conservation easements
b Total acreage restricted by conservation easements
c Number of conservation easements on a certified historic structure included in (a)
d Number of conservation easements included in (c) acquired after July 25, 2006, and not on a historic structure listed in the National Register

	Held at the End of the Year
2a	
2b	
2c	
2d	

- 3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶

- 4 Number of states where property subject to conservation easement is located ▶

- 5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds?

☐ Yes ☐ No

- 6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶

- 7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ \$

- 8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)?

☐ Yes ☐ No

- 9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.
b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1 ▶ \$

(ii) Assets included in Form 990, Part X ▶ \$

- 2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:

a Revenue included on Form 990, Part VIII, line 1 ▶ \$

b Assets included in Form 990, Part X ▶ \$

For Paperwork Reduction Act Notice, see the Instructions for Form 990.

Cat. No. 52283D Schedule D (Form 990) 2022

Page 2

Schedule D (Form 990) 2022

Page 2

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a ☐ Public exhibition d ☐ Loan or exchange programs
b ☐ Scholarly research e ☐ Other
c ☐ Preservation for future generations

- 4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

- 5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . .

☐ Yes ☐ No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X.

EXHIBIT 17

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

- b** If "Yes," explain the arrangement in Part XIII and complete the following table:

- c** Beginning balance
- d** Additions during the year
- e** Distributions during the year
- f** Ending balance

	Amount
1c	
1d	
1e	
1f	

- 2a** Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

- b** If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII ☐

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

- 2** Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment
- b** Permanent endowment
- c** Term endowment

The percentages on lines 2a, 2b, and 2c should equal 100%.

- 3a** Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i)** Unrelated organizations
- (ii)** Related organizations

	Yes	No
3a(i)		
3a(ii)		
3b		

- b** If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? ☐

- 4** Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (Investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		17,578	8,419	9,159
e Other				
Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).)				9,159

Schedule D (Form 990) 2022

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other <input type="text"/>		
(A)		
(B)		
(C)		
(D)		

(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII**Investments - Program Related.**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1) Right of Use Asset	49,515
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

49,515

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	
Lease Liability	58,352

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

58,352

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII ☒

Schedule D (Form 990) 2022

Page 4

Schedule D (Form 990) 2022

Page 4

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements	1	2,828,330
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains (losses) on investments	2a	24,557
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	24,557
3	Subtract line 2e from line 1	3	2,803,773
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	
c	Add lines 4a and 4b	4c	
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5	2,803,773

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements	1	3,113,871
2	Amounts included on line 1 but not on Form 990, Part IV, line 25:		

efile Public Visual Render ObjectID: 202421349349303427 - Submission: 2024-05-13

TIN: 81-3815137

Note: To capture the full content of this document, please select landscape mode (11" x 8.5") when printing.

**Schedule I
(Form 990)****Grants and Other Assistance to Organizations,
Governments and Individuals in the United States**Complete if the organization answered "Yes" on Form 990, Part IV, line 21 or 22.
▶ Attach to Form 990.▶ Go to www.irs.gov/Form990 for the latest information.

OMB No. 1545-0047

2022Open to Public
InspectionDepartment of the
Treasury
Internal Revenue Service
Name of the organization
The Center for Election Innovation & ResearchEmployer identification number
81-3815137**Part I General Information on Grants and Assistance**

- 1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? ☒ Yes ☐ No
- 2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments. Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than \$5,000. Part II can be duplicated if additional space is needed.

(a) Name and address of organization or government	(b) EIN	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of noncash assistance	(h) Purpose of grant or assistance
(1) Defending Democracy Together 1100 Vermont Ave NW 10th Floor Washington, DC 20005	82-3877328	501C4	200,000				
(2) Citizen Data PO Box 66298 Washington, DC 20035			25,000				

- 2 Enter total number of section 501(c)(3) and government organizations listed in the line 1 table 2
- 3 Enter total number of other organizations listed in the line 1 table

For Paperwork Reduction Act Notice, see the Instructions for Form 990.

Cat. No. 50055P

Schedule I (Form 990) 2022

Page 2

Schedule I (Form 990) 2022

Page 2

Part III Grants and Other Assistance to Domestic Individuals. Complete if the organization answered "Yes" on Form 990, Part IV, line 22.
Part III can be duplicated if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of noncash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of noncash assistance
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					

EXHIBIT 17

Part I Questions Regarding Compensation		Yes	No
1a Check the appropriate box(es) if the organization provided any of the following to or for a person listed on Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.			
<input type="checkbox"/> First-class or charter travel <input type="checkbox"/> Travel for companions <input type="checkbox"/> Tax indemnification and gross-up payments <input type="checkbox"/> Discretionary spending account	<input type="checkbox"/> Housing allowance or residence for personal use <input type="checkbox"/> Payments for business use of personal residence <input type="checkbox"/> Health or social club dues or initiation fees <input type="checkbox"/> Personal services (e.g., maid, chauffeur, chef)		
b If any of the boxes on Line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain.		1b	
2 Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all directors, trustees, officers, including the CEO/Executive Director, regarding the items checked on Line 1a?		2	
3 Indicate which, if any, of the following the filing organization used to establish the compensation of the organization's CEO/Executive Director. Check all that apply. Do not check any boxes for methods used by a related organization to establish compensation of the CEO/Executive Director, but explain in Part III.			
<input type="checkbox"/> Compensation committee <input checked="" type="checkbox"/> Independent compensation consultant <input type="checkbox"/> Form 990 of other organizations	<input type="checkbox"/> Written employment contract <input type="checkbox"/> Compensation survey or study <input checked="" type="checkbox"/> Approval by the board or compensation committee		
4 During the year, did any person listed on Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:			
a Receive a severance payment or change-of-control payment?		4a	No
b Participate in, or receive payment from, a supplemental nonqualified retirement plan?		4b	No
c Participate in, or receive payment from, an equity-based compensation arrangement?		4c	No
If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III.			
Only 501(c)(3), 501(c)(4), and 501(c)(29) organizations must complete lines 5-9.			
5 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:			
a The organization?		5a	No
b Any related organization?		5b	No
If "Yes," on line 5a or 5b, describe in Part III.			
6 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:			
a The organization?		6a	No
b Any related organization?		6b	No
If "Yes," on line 6a or 6b, describe in Part III.			
7 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization provide any nonfixed payments not described in lines 5 and 6? If "Yes," describe in Part III.		7	No
8 Were any amounts reported on Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regulations section 53.4958-4(a)(3)? If "Yes," describe in Part III.		8	No
9 If "Yes" on line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)?		9	
For Paperwork Reduction Act Notice, see the Instructions for Form 990.			

[illegible]

Schedule J (Form 990) 2022

Page 3

Schedule J (Form 990) 2022

Page 3

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
------------------	-------------

Schedule J (Form 990) 2022

Additional Data[Return to Form](#)Software ID:
Software Version:

efile Public Visual Render

ObjectID: 202421349349303427 - Submission: 2024-05-13

TIN: 81-3815137

OMB No. 1545-0047

SCHEDULE O
(Form 990)Department of the Treasury
Internal Revenue Service**Supplemental Information to Form 990 or 990-EZ**Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.**2022**Open to Public
InspectionName of the organization
The Center for Election Innovation & Research

Employer identification number

81-3815137

Return Reference	Explanation
Committee meeting documentation Part VI line 8b	CEIR currently does not have any committees.
Form 990 governing body review Part VI line 11	The Form 990 was prepared by an independent CPA and reviewed by CEIR staff, the Board of Directors, and counsel.
Conflict of interest policy compliance Part VI line 12c	The Organization actively monitors for potential conflicts related to any transactions or work the organization engages in. CEIR requires each of its officers and directors annually to (1) review CEIR's Conflict of Interest Policy (the Policy); (2) disclose any financial interest that reasonably could give rise to a conflict of interest; and (3) acknowledge by his or her signature that he or she is in compliance with the Policy. Potential conflicts are brought to the attention of the Board. Individuals with potential conflicts are excluded from deliberation and voting on the potential conflict.
CEO executive director top management compensation Part VI line 15a	The Board reviews comparability data from similar organizations compiled from IRS Form 990s to determine the Executive Directors compensation, and the Board documents its decision. The Executive Director, who also serves on the Board, recuses himself from the discussion and vote relating to his compensation. The Organization does not have any other compensated officers or key employees.
Other officer or key employee compensation Part VI line 15b	Other than the Executive Director, The Organization does not have any other compensated officers or key employees.
Governing documents etc available to public Part	The Organizations Form 990s are available on its website. The Organizations Form 1023 is available upon request.

EXHIBIT 17

VI line 19	
List of other fees for services expenses Part IX line 11g	EOLDN Project Consulting Services: \$136,575Other Consulting Services: \$135,000Communications: \$298,008Security: \$34,675Registered Agent Fees: \$7,303

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Cat. No. 51056K

Schedule O (Form 990) 2022

Additional Data[Return to Form](#)

Software ID:
Software Version: