



## State Plan

# Help America Vote Act of 2002

## Wisconsin State Elections Board

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State of Wisconsin\ Elections Board

### Certification

I, Kevin J. Kennedy, Executive Director of the Wisconsin State Elections Board, certify I am the chief State Election Official for the State of Wisconsin. Section 5.05 (1)(a), Wisconsin Statutes.

Pursuant to Section 253 (b) (1) of the Help America Vote Act of 2002, I certify the attached State Plan for the State of Wisconsin contains each of the elements described in Section 254 of the Help America Vote Act of 2002 with respect to federal fiscal year 3; the Plan has been developed in accordance with Section 255 of the Help America Vote Act of 2002 and meets the notice requirements of Section 256 of the Help America Vote Act of 2002.

Dated this 19<sup>th</sup> day of August, 2003.

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Kevin J. Kennedy, Executive Director  
Wisconsin State Elections Board

### Introduction

Wisconsin has a rich history of citizen participation in the electoral process. Wisconsin has developed a series of political innovations to enable citizens to select their leaders as part of the democratic process. These innovations include the development of the open primary in 1903, the establishment of an independent state agency to administer elections in 1974 and the implementation of election day registration in 1976. A list of the nine citizens currently serving on the State Elections Board is set out in Appendix 1.

The Help America Vote Act of 2002 (HAVA) provides a unique opportunity to add to Wisconsin's electoral tradition and develop a strong partnership between state and local election officials. Elections in Wisconsin are conducted by municipal election officials. Local election officials recruit and train poll workers, maintain voter records, issue absentee ballots, and establish and equip polling places including acquiring voting equipment. County election officials are responsible for the preparation of ballots and notices for county, state and federal elections. They also provide a significant contribution in coordinating the work of local election officials to increase efficiency in the delivery of election services. The State Elections Board is responsible for providing leadership in election administration by establishing standards to ensure uniformity and safeguarding the vote of all electors.

The mission of the State Elections Board is to enhance representative democracy by ensuring the integrity of the electoral process. The Elections Board directs its energies toward providing for an informed electorate, both in regard to understanding the election system and to being aware of the activities and finances of candidates for public office. Under the auspices of HAVA, the State Elections Board, working in cooperation with county and municipal election officials, will ensure that Wisconsin elections continue to be administered through procedures that guarantee that the vote of each individual counts and that the will of the electorate prevails. The shared vision for all participants in Wisconsin's electoral process is that elections are open, fair, impartial and free from error.

Following the 2000 Presidential Election, the nation's voting process was the subject of numerous studies by legislators, scholars, citizen groups and election officials. Each study provided a different focus, but a consensus formed around key elements that were essential to the integrity of the election process. The State Elections Board has posted these studies on its website at: <http://elections.state.wi.us/sebpage55.html>.

Hundreds of pieces of legislation were introduced in Congress and state legislatures, including 25 separate bills in Wisconsin during the 2001-2002 legislative session, to change the way elections are administered. Members of the election community worked with Congress to secure passage of legislation that maintained state and local control over the administration of elections while establishing minimum standards to ensure public confidence in the integrity of the voting process.

The Help America Vote Act of 2002 (HAVA) was enacted by Congress to make sweeping reforms in the way elections are conducted. The Act addresses improvements to voting systems and voter access. It includes requirements for a centralized voter registration database, privacy and independence in the voting process, access for people with disabilities and voter outreach.

As a condition of receiving federal funding, each state is required to submit an implementation plan that meets the requirements of the Act.

In December 2002, the State Elections Board began the process of preparing a study for the state legislature to present a plan for designing, developing and implementing a statewide voter registration system. This was the initial step in preparing for the implementation of one of the key elements of HAVA that brings state and local officials together to improve accessibility for Wisconsin's voters. The report was given to the State Elections Board on May 15, 2003.

In January 2003, the Executive Director of the State Elections Board, Wisconsin's chief election official, appointed a State Plan Committee comprised of county and municipal election officials, representatives of advocacy groups and other citizens to assist in the HAVA planning process. The group has met three times to discuss the planning process and provide direction for the development of this plan.

This initial plan represents the collective input and recommendations of the State Plan Committee and numerous citizens, legislators and advocacy groups who have been following the plan development process. Members of the public were given the opportunity to comment on the preliminary plan in public hearings that were held in Brookfield on May 21, 2003, Madison on June 4, 2003, and Eau Claire on June 9, 2003. Written comments on the preliminary plan were also accepted for consideration through June 20, 2003. After the public comment process, the State Elections Board considered the public input in preparation of this plan for submission to the federal government.

Wisconsin is in a good position to implement the HAVA requirements. Many of the election reforms required by the Act are already addressed in current state laws and procedures. This initial state plan identifies the priorities and specific steps state and local election officials will take to meet the requirements of HAVA. It also discusses what additional improvements may be undertaken if there is remaining or additional federal funding after all of the requirements have been met.

The State Plan Committee is recommending the following activities as part of Wisconsin's response to HAVA:

- Design and implementation of a computerized statewide voter registration system that is the single database of all registered voters.
- Purchase and deployment of voting equipment that meets the standards established by HAVA.
- Increased access to the election process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach. This will include an evaluation of every polling place in the state during the implementation of HAVA to identify barriers to accessibility and full voter participation.
- Implementation of a comprehensive program that informs voters about the election process in Wisconsin including where to obtain information on the voting process, how to

correct ballots, how to request replacement ballots and how to obtain relief for possible violations or irregularities in the administration of state and federal election procedures.

- Implementation of a toll-free telephone line that allows voters to check the status of their provisional ballots, determine whether or not their ballot was counted and enable electors to report possible voting fraud and voting rights violations.
- Training of all election officials including chief inspectors, municipal and county clerks, along with State Elections Board staff.

To receive federal funding, Wisconsin must certify that it has established a State Election Fund that is separate and distinct from the state General Fund. The state must also provide the federal Election Assistance Commission with a plan for the implementation of a uniform, nondiscriminatory administrative complaint procedure to resolve alleged HAVA Title III violations. Legislation to make those changes will be introduced in the 2003 Wisconsin Legislature. Once these changes are in place, the State Elections Board will certify to the federal government that it is eligible to receive HAVA funding.

While HAVA increases responsibility for election administration at the state level to achieve greater uniformity and consistency, municipal election officials are charged with the conduct of elections and are crucial to all aspects of the election process. As Wisconsin moves forward in carrying out this plan, the State Elections Board will continue to encourage coordination, cooperation, and collaboration between local and state officials on the innovations and technology that will be developed in response to HAVA.

Finally, this plan should be viewed as a living document that will need to be updated and refined over time to reflect the state's progress in implementing HAVA. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and address new election-related challenges. Wisconsin welcomes the challenges of the Help America Vote Act and looks forward to receiving appropriate financial support from the federal government.

### Section 1 – Title III Requirements and Other Activities

*How the State will use the requirements payments to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections.*

The total amount of federal funding available as requirements payments under Section 254 of HAVA to Wisconsin is uncertain. Congress has not appropriated funds beyond federal fiscal year 3 (FFY 3). The initial appropriation provides an estimated \$15.39 million in requirements payments. HAVA requires the state to match this payment by appropriating an amount equal to 5% of the total spent. In order to match the initial federal payment, the state must appropriate \$810,000 in Fiscal Year 4.

The State Plan Committee has established the following priorities for the use of requirements payments and the corresponding state match:

- Design, develop and implement a statewide voter registration system.
- Evaluate new voting systems and all polling places for HAVA Section 301 and disability access compliance.
- Develop an implementation and acquisition plan for compliant voting systems.
- Develop training and education programs for voters, election officials and poll workers.

HAVA establishes a number of requirements that all states must meet whether or not federal funds are accepted. The specific choices on the methods of complying with these requirements is left to the discretion of the state. HAVA Section 305. A brief description of the requirements and how Wisconsin will meet the requirements is set out below.

**Voting Systems Standards Requirements - HAVA Section 301 (a)**

*Deadline for Compliance: January 1, 2006; no waiver permitted.*

HAVA establishes standards for voting systems. The deadline for meeting these standards is January 1, 2006. Each voting system used in an election for Federal office shall meet the following requirements:

- In general, the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall:
  - Permit the voter to verify in a private and independent manner the votes selected by the voter on the ballot before the ballot is cast and counted;
  - Provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error; and
  - If the voter selects votes for more than one candidate for a single office:
    - notify the voter that the voter has selected more than one candidate for a single office on the ballot;
    - notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and
    - provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet these requirements by establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a

replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

The voting system shall ensure that any notification preserves the privacy of the voter and the confidentiality of the ballot.

- The voting system shall produce a record with an audit capacity for the system. The record shall be a permanent paper record with a manual audit capacity. The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced shall be available as an official record for any recount conducted with respect to any election in which the system is used.
- The voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence as for other voters. This requirement can be satisfied through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.
- The voting system shall provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965.
- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under the voting systems standards issued by the Federal Election Commission.
- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

There is no voting system approved for use in Wisconsin that meets each of these standards. Presently 87% of the state's voters use optical scan voting systems, 10% of the state's voters use paper ballots and 3% of the voters use lever voting machines. Wisconsin began the transition from punch card voting in 1993. Punch card voting was eliminated in Wisconsin following the 2001 spring elections.

The optical scan voting system meets the general requirements on privacy and independence. It also meets the audit capacity requirements. Because 13 counties use a central count tabulation system for optical scan ballots, state, county and municipal election officials will have to develop a voter education program. This is also the case for municipalities using paper ballot voting.

Where Wisconsin falls short on the federal standards is providing access for individuals with disabilities. The state will evaluate new voting systems' disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This is one of the priority uses of the requirements payments.

Wisconsin is not presently subject to the alternative language requirements of the Voting Rights Act of 1965. However, Wisconsin has a growing number of individuals whose participation in the political process would be enhanced by having voting information available in a language other than English. As part of the evaluation and acquisition of new voting systems, the State Elections Board will ensure that any new system has the capability to meet this requirement. The state will also develop voter information materials in alternative languages.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASED). The State Elections Board recently directed that all new voting systems must meet the most current national standards. The State Elections Board has drafted legislation to require the Board to evaluate voting systems for compliance with the error rate requirements following each general election.

Current law establishes uniform standards of what constitutes a vote. S. 7.50, Wis. Stats. The Elections Board has drafted legislation to permit the agency to promulgate administrative rules to establish similar requirements for new voting systems that may be approved by the Elections Board.

**Provisional Voting Requirements - HAVA Section 302 (a)**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

HAVA requires a state to provide an individual the opportunity to vote a provisional ballot if the individual asserts that he is registered, but the voter's name does not appear on the poll list or an election official asserts that the individual is not eligible to vote. The individual must complete a written affirmation that he is a registered voter in the jurisdiction and eligible to vote in that election. The individual is then permitted to vote a provisional ballot. The provisional ballot is not counted unless the municipal clerk can verify that the individual is a registered voter in the jurisdiction and eligible to vote in that election.

Wisconsin is exempt from this requirement because it has a system of election day registration that permits a voter whose name does not appear on the poll list to register at the polling place. Under current law, a voter must provide proof of residence or have the registration application corroborated by an elector of the municipality who has proof of residence.

**Voting Information Requirements - HAVA Section 302 (b)**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

HAVA requires that specific information be posted at each polling place on election day. The required information is:

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

- Instructions for mail-in registrants and first-time voters;
- General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Wisconsin law currently requires two sample ballots to be posted at the polling place along with instructions on how to vote, including how to cast a vote. S. 5.35 (6) Wis. Stats. The Elections Board has drafted legislation to add the required information to the current posting requirements.

**Voters Allowed to Vote After the Polls Close Pursuant to a Court Order - HAVA Section 302 (c)**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

HAVA requires that any individual who votes after the polls close pursuant to a court order shall vote a provisional ballot. The ballot shall be separated and kept apart from other provisional ballots.

The Elections Board has drafted legislation that treats the ballot in a manner similar to a challenged ballot under S. 6.95 Wis. Stats. The ballot is marked with an indication that it is cast pursuant to a court order, but the voter's serial number is not included on the ballot. The ballot is counted, but if the court order is overturned, the ballot can be retrieved and the canvass results changed to reflect the court action.

**Computerized Statewide Voter Registration List Requirements - HAVA Section 303 (a)**

*Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will extend the deadline for compliance to January 1, 2006.*

HAVA requires the State, acting through the chief State election official, to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State. HAVA requires the computerized list to have the following attributes:

- The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- The computerized list contains the name and registration information of every legally registered voter in the State.
- Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

- The computerized list shall be coordinated with other agency databases within the State.
- Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
- The chief State election official shall provide such support as may be required so that local election officials are able to electronically enter voter registration information into the computerized list on an expedited basis.
- The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the State.

Under current law, voter registration is required in municipalities with a population of more than 5,000. S. 6.27 Wis. Stats. Only 320 of the state's 1,850 municipalities have voter registration. All voter registration records are maintained at the local level.

In December 2002, the Elections Board requested and received supplemental funding to conduct a study on the development and implementation of a statewide voter registration system (SVRS). The agency hired a consultant to conduct the study under the direction of the Elections Board staff. The primary deliverable of the study is a report for the legislature that describes an implementation plan and credible cost estimate for the development and implementation of a statewide voter registration system. The report was completed on May 15, 2003. It will be submitted to the legislature so that appropriate funding and authorization can be included in the Board's HAVA implementation legislation. A copy of the report is available from the State Elections Board.

The study included the development of business and functional requirements for the system in conjunction with local election officials and other users. A steering committee consisting of representatives of the Elections Board, the Department of Transportation, the Department of Corrections, the Department of Health and Family Services and the Department of Electronic Government is monitoring the project. A Request for Information (RFI) was solicited from the universe of potential vendors to assist in determining a credible cost estimate and perform a gap analysis on the business and functional requirements.

This project will be the focus of the initial use of the requirements payments. The Elections Board has established a timeline for rolling out the statewide voter registration system for the 2006 election cycle. The Elections Board has drafted legislation to implement this requirement. The Elections Board plans to apply for a waiver of the January 1, 2004 deadline.

**Requirements for Voters Who Register by Mail - HAVA Section 303 (b)**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

HAVA requires an individual who registers by mail and who has never voted in the state before registering by mail to provide specific identification before being permitted to vote. The identification specified in HAVA includes a current and valid photo identification or a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter does not provide the required identification, the individual must vote on a provisional ballot.

An absentee voter, subject to this requirement may provide a copy of the identification as part of the absentee voting process. Local election officials will have to track first-time voters and secure the required identification. This can be done after the voter registers and before election day.

Because Wisconsin has election day registration, it is exempt from using provisional ballots. However, the Elections Board has drafted legislation to implement this requirement. Election day registration provides voters with an enhanced opportunity to participate in the electoral process. It is expected that most individuals that are required to provide identification will be able to register at the polling place under the current election day registration provisions. S. 6.55 Wis. Stats.

**Section 2 – Distribution of Requirements Payment**

*How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 1 of the State plan, including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 8 of the State Plan.*

The state does not plan to distribute any of the initial requirements payments to local government. The state will provide infrastructure support to local government to implement the requirements of HAVA. The projected cost for development and implementation of the statewide voter registration system along with the acquisition of voting systems that comply with HAVA requirements will likely exceed the amount of federal funds available for requirements payments. Local government will have to share in the cost of HAVA compliance.

The state will provide and maintain a statewide voter registration system that will replace the systems currently used by municipalities with voter registration. The state will also use the requirements payments to acquire HAVA compliant voting systems. The state will provide voter information and election official training as part of the implementation of HAVA.

If the state uses the requirements payments for election administration infrastructure rather than distributing funds, local government does not have to expend additional resources monitoring compliance to ensure the integrity of the use of the funds. If the state makes the infrastructure investment with the requirements payments, it avoids using limited federal funds to monitor the performance of local government on the use of payments received from the state.

### Section 3 – Voter Education, Election Official Education and Training, and Poll Worker Training

*How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.*

Training and education for voters and election officials is the foundation which provides for efficient and cost-effective elections. Informed voters and trained election officials are key elements in the integrity of the electoral process. The State Elections Board currently conducts regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Administrative meetings are designed to explain the election laws and the forms and rules of the Board, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the vote of each citizen. S. 5.05(7), Wis. Stats. To enhance this process, State Elections Board personnel and resources will be supported by future federal funding. The State will also provide resources and work through election official user groups, including the Wisconsin County Clerks Association, the Wisconsin Municipal Clerks Association, the Wisconsin Towns Association and the League of Wisconsin Municipalities for education and training. The State Elections Board will also reach out to engage other citizen groups to provide voter information and education and stimulate interest in the democratic process.

The State Elections Board will implement the statutory requirement for chief inspector training and certification. The initial training and certification will consist of a comprehensive presentation to local election officials by a team of State Elections Board personnel and local election officials. These sessions will begin in 2003 and be held at several locations throughout the state. Continuing certification will be maintained through 6 hours of training over a two-year period. This additional training may include attendance at a presentation conducted by the Elections Board staff, training conducted by the municipal clerk that is approved by the Elections Board, or participation in a WisLine Teleconference session. The training program will be supplemented by a manual designed as a reference for use at the polling locations. The Elections Board is required to conduct regular training and administer examinations to ensure that individuals who are certified are knowledgeable concerning their authority and responsibilities. S. 7.31(5), Wis. Stats.

The State Elections Board has applied for HAVA Section 261 funds to promote disability access. Some of these funds will be used to train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for federal office.

The State Elections Board plans to organize and present a series of on-site training seminars for local election officials, including poll workers. These sessions will be designed to present information to election officials, poll workers, and election volunteers on how best to promote access and participation for individuals with the full range of disabilities in elections. The information for these presentations will be developed in collaboration with representatives of groups of individuals with disabilities and local election officials.

The State Elections Board also plans to develop a training video based on the model developed by North Carolina to supplement the training seminars.

The State Elections Board plans to collaborate with representatives of groups of individuals with disabilities and local election officials to develop informational materials that promote participation in the voting process. The materials will provide information about the accessibility of polling places, voter registration and where to obtain information about candidates and issues.

The State Elections Board will acquire equipment and adapt its website to provide a source of access to information that promotes participation in the voting process for individuals with the full range of disabilities. This includes a TTY, instant messaging capabilities, voice recognition software and alternative formats for the materials developed in connection with Section 261 activities.

The State Elections Board will establish an education committee under the auspices of the Election Administration Council to evaluate the needs for voter education and election official training. Following identification of areas requiring education, the Elections Board and the Election Administration Council will determine training standards including delivery method, information updating, creation of methods to assure continued training and evaluations to assure objectives have been achieved. Outreach programs will be provided on the statewide voter registration system to access information, along with education on voter registration, the voting process, operation of voting mechanisms, locating polling places and contact information related to election participation. This will include development of training and outreach programs to expand understanding and assistance for people with disabilities in exercising their right to vote. Materials will be developed by the State Elections Board and will be provided to county and municipal clerks to supply to the public.

Postings on election day at polling locations will include a sample version of the ballot, information on the date of the election, the hours of the polling place, instructions on provisional ballots, instructions for mail-in registrants and first-time voters and general information on voter rights and laws prohibiting fraud and misrepresentation. These instructions will also be available on the State Elections Board website: <http://elections.state.wi.us/> and in the form of brochures for citizens.

### Section 4 – Voting System Guidelines

*How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.*

Under current law, Wisconsin has established a set of standards for the approval of electronic voting systems. S. 5.91, Wis. Stats. The State Elections Board has drafted legislation that adds the HAVA voting system standards to the current statutory requirements. The Elections Board has also promulgated administrative rules detailing the process for approving electronic voting systems for use in Wisconsin. EIBD Ch. 7, Wis. Adm. Code.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The

qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASED). The State Elections Board recently revoked the approval for any electronic voting system that has not been qualified to the most recent standards established by the Federal Election Commission in December 2002.

The agency action permits any municipality that currently uses an optical scan voting system to continue to use the system. All new equipment approved for use in Wisconsin will meet the most current federal standards. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

The State Elections Board plans to hold a series of vendor fairs in the Spring of 2004 in cooperation with the state's eight Independent Living Centers to enable citizens with disabilities and local election officials to observe the proposed changes in voting systems that will permit all citizens to vote in a private and independent manner. This will also enable vendors to receive direct feedback from the citizens that will be using the new voting equipment before it is submitted for approval in Wisconsin.

### Section 5 - HAVA Election Fund Management

*How the State will establish a separate election fund for purposes of administering the State's activities under this part, including information on fund management.*

The State Elections Board introduced legislation, 2003 Assembly Bill 123, that establishes the appropriate federal account to meet the HAVA requirement for a separate election fund for managing the receipt and distribution of HAVA payments and state matching funds. This legislation was passed by the legislature and signed into law by the governor on July 24, 2003. 2003 Wisconsin Act 35.

The State Elections Board has requested creation of one Full Time Equivalent (FTE) federally funded position to manage the fund and assure compliance with federal grant requirements. Agency staff has met with the State Controller's office to set up the fund and review the applicable administrative guidelines. The Legislative Audit Bureau will conduct a financial and compliance audit of the fund as part of the state's adherence to the federal Single Audit Act of 1984.

### Section 6 – Wisconsin's HAVA Budget

*The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on the costs of the activities required to be carried out to meet the requirements of Title III; the portion of the requirements payment which will be used to carry out activities to meet such requirements; and the portion of the requirements payment which will be used to carry out other activities.*

The total amount of federal funding available to Wisconsin under HAVA is uncertain. Congress has not appropriated funds beyond federal fiscal year 3 (FFY 3). Funds have been appropriated under HAVA Title I for activities to improve the administration of elections and replacement of

punch card or lever voting machines. Funds have also been appropriated under HAVA Title II to meet Title III requirements.

The State Elections Board has received payments under HAVA Section 101. The State Elections Board plans to use the funds to reimburse the agency for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan.

The agency also plans to use the payments to hire four Full Time Equivalent (FTE) agency staff to implement HAVA requirements. Title I payments will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The State Elections Board also plans to use a portion of the payments to work with local election officials and governing bodies to identify cost reduction applications as part of the pre-implementation efforts for the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. This will be done with Title I payments.

Remaining Section 101 funds will be used for costs associated with the voter education, election official training and disability access requirements of HAVA. The use of Title I funds is subject to executive and legislative approval.

Wisconsin has also received HAVA Section 102 payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the 15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

The State Elections Board applied for HAVA Section 261 funds to assure access to the election process for persons with disabilities. The payments will be used to fund activities in four areas: accessibility, privacy and independence, training and information. These funds should be available in September, 2003. The State Elections Board staff has worked with representatives of disability advocacy groups to develop a program of activities to carryout the objectives of the disability access grants.

The initial Title II appropriation provides approximately \$15.39 million in requirements payments. HAVA requires the State to match this amount by appropriating an amount equal to 5% of the total amount spent. In order to match the initial federal payment, the State must appropriate \$810,000 in Fiscal Year 4. The current state fiscal crisis has presented a challenge for the state to find the funding for the required match. The State Elections Board continues to work with the Governor's office, the legislature and local government organizations to identify funding sources to enable the state to leverage the available federal funding.

The State Plan Committee has established the following priorities for the use of Title II requirements payments and the corresponding state match.

- Design, develop and implement a statewide voter registration system.
- Evaluate new voting systems for HAVA Section 301 and disability access compliance.

- Develop an implementation and acquisition plan for compliant voting systems.
- Develop training and education programs for voters, election officials and poll workers.

If no additional federal funding is appropriated, Wisconsin will not be able to fund the requirements mandated by HAVA. Wisconsin must also appropriate the required 5% spending match. At this point only \$333,000 of the \$810,000 needed in FY 4 has been set aside by the Legislative Joint Committee on Finance.

Wisconsin's proposed implementation budget based on known and anticipated federal funding is set out in the accompanying tables. The proposal is subject to executive and legislative budget decisions.

#### Estimated HAVA-Related Receipts

Federal Fiscal Year	Total Federal Funds	Wisconsin Federal Share	5% State Match Requirement*
Early Payments (Title I Funds HAVA Sections 101 and 102)	\$650,000,000 (appropriated)	\$7,002,800	\$0
2003 (Title II Funds HAVA Section 251)	\$833,000,000 (appropriated)	\$15,390,000	\$810,000
2003 (Title II Funds HAVA Section 261)	\$13,000,000	\$184,400	\$0
2004 (Title II Funds)	\$481,000,000 (President's Budget)	\$8,887,000	\$468,000
2005 (Title II Funds)	\$600,000,000 (authorized)	\$11,085,000	\$583,000
<b>Total</b>	<b>\$2,577,000,000</b>	<b>\$42,549,200</b>	<b>\$1,861,000</b>

Source: Federal Funds Information for States, Issue Brief 03-08, FY 2003 Election Reform Funding, March 5, 2003.

\*5% State Match Requirement is calculated as 5% of the total of the combined state and federal portions of expenses. This calculation requires a multiplier of .0526 (i.e., 5/95 ~ .0526) of the federal funds. For FY 4, the \$810,000 state match is 5.26% of the federal contribution of \$15,390,000. Of the combined expenditure of \$16,200,000 the state match of \$810,000 is 5%.

The amounts listed for FFY 4 and FFY 5 are estimates based on information available at the time the plan was prepared. The state match had not been appropriated at the time the plan was prepared.

#### Estimated HAVA-Related Expenditures

HAVA	Total Cost	Section	Section	Section	Section	5% State
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Requirements	101 Funds	102 Funds	251 Funds	261 Funds	Match
Statewide Voter Registration System	\$26,295,000	\$4,182,000		\$21,007,500	\$1,105,500
Voting System Standards – Acquire Accessible Voting Equipment	\$16,418,800		\$1,308,800	\$14,354,500	\$755,500
Voting Information Toll Free Access	\$200,000	\$200,000			
Disability Access	\$387,400	\$203,000		\$184,400	
Voter Outreach and Election Official Training	\$889,000	\$889,000			
State Plan Management	\$220,000	\$220,000			
<b>TOTAL</b>	<b>\$44,410,200</b>	<b>\$5,694,000</b>	<b>\$1,308,800</b>	<b>\$35,362,000</b>	<b>184,400</b>

The proposed expenditures are based on the assumption that the funding level set out in the chart detailing anticipated HAVA funding sources is available for use by the state.

Wisconsin is assuming that the costs of complying with HAVA will not end after federal appropriations have ceased. The State Elections Board plans on holding in the Election Fund any unspent federal funds remaining after all HAVA requirements have been met and using the interest earned from these funds to pay on-going maintenance and program costs at the state and local levels.

Based on these funding levels, the State HAVA budget is representative of the activities to implement and conduct operations and maintenance through June 30, 2007 (FY 7) for the HAVA Title III requirements and "other" activities. The budget will be revised over time based on the most current information available regarding federal funding.

The duration for the budget is based on HAVA deadlines and projected funding. The federal government has not appropriated the full funding authorized in HAVA. It is essential that the federal government follow through on its commitment to assist in the funding of the HAVA mandated changes. The lack of full federal funding will make implementation of HAVA virtually impossible.

The State is also concerned that beyond the three years of federal funding, the ongoing costs of operating and maintaining the statewide voter registration system and new voting equipment will be considerably higher than current local budgets for these efforts and any unspent money in the State Election Fund. The operation and maintenance of the new infrastructure will be a financial burden when HAVA funding is no longer available.

#### Section 7 – Maintenance of Effort



*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.*

Wisconsin will maintain the level of state expenditures for HAVA requirements at the same or greater level as the State spent in the fiscal year (FY 2) ending before the November 2000 election. In that fiscal year, the State Elections Board spent no funds on activities related to HAVA requirements. The agency's election-related budget consisted of two Full Time Equivalent (FTE) elections specialists. These positions have been maintained despite a reduction in the agency staffing level as a result of the current fiscal crisis.

The positions will continue to be funded with state funds. All HAVA payments will be used to augment the preexisting level of state funding for election administration. Any payments distributed to local government will be conditioned on a continuing maintenance of effort to ensure that federal funds do not replace existing local government expenditures on election administration.

## Section 8 – HAVA Performance Goals and Measures

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.*

Performance goals and measures will be developed by the State Elections Board staff in consultation with the Election Administration Council. The performance goals will provide a high level description of the implementation elements of the State Plan. For each performance goal, a set of performance measures will be developed to measure the success of state and local election officials in meeting the described goal. The performance measures will include criteria for evaluating the scope, scheduling, resources, quality and risk management associated with each project.

Each performance goal will be part of a single or composite project activity designed to implement the elements of the State Plan. The projects will be under the general direction of the executive director of the State Elections Board. Each project will have a leader who will be responsible for ensuring that each performance goal is met.

The performance measures will be developed under the direction of each project leader. The criteria for the performance measures will be drawn in part from statutory requirements and the timetables established by HAVA and the state election calendar. The Election Administration Council and local election officials will assist agency staff in developing qualitative measures for determining the successful implementation of the elements of the State Plan. The executive director will assign a staff member to monitor the overall development of performance criteria and collect information that measures the progress toward meeting the established criteria.

The State Plan Committee has identified eight general project activities around which performance goals and measures will be developed. They are described below. The names and titles of current agency staff described in this section are set out in Appendix 2.

### Statewide Voter Registration System

The agency's Elections, Training and Information Technology Director is the project director for the design, development and implementation of the statewide voter registration system. The State Elections Board plans to hire a consultant to work with agency staff and a liaison from the Department of Electronic Government to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

### Voting Systems Standards

The State Elections Board plans to hire a staff member whose primary responsibility will be to evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This individual will be a part of the agency elections team under the direction of the Elections, Training and Information Technology Director. The elections team will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 1 of the State Plan.

### Accessibility to the Electoral Process

The State Elections Board plans to hire a staff member whose primary responsibility will be to promote increased access to the election process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach. This individual will be a part of the agency elections team under the direction of the Elections, Training and Information Technology Director. The elections team will work with the Election Administration Council, representatives of groups of individuals with disabilities and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

### Voter Education

The agency elections team under the direction of the Elections, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

### Election Official Training

The agency elections team under the direction of the Elections, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. The chief election inspector training and certification program is a significant element of this project. The

implementation of the statewide voter registration system will also have a significant training component. This project is part of the implementation of Sections 1 and 3 of the State Plan.

#### Complaint Procedures

The administrative complaint procedure will be established by the proposed HAVA implementation legislation. The agency Legal Counsel will work with the Election Administration Council to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 9 of the State Plan.

#### Budget and Fiscal Controls

The State Elections Board plans to hire a staff member whose primary responsibility is to manage the receipt and disbursement of HAVA payments. This individual will work under the direction of the Campaign Finance and Agency Operations Director, and serve as a member of the agency budget team. This individual is responsible for ensuring that all financial transactions are in compliance with applicable state and federal procurement requirements. This individual will also monitor the development of all project performance criteria and collect information that measures the progress toward meeting the established criteria. The agency budget team will develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1, 2, 5, 6, 7, 8 and 10 of the State Plan.

#### Plan Management

The Executive Director of the State Elections Board, will work with the Election Administration Council, agency staff and local election officials to manage the State Plan. The State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect the goals of HAVA and respond to legislative and executive direction. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and addressing new election-related challenges.

The Executive Director will work with the Election Administration Council to develop the performance goals and measures associated with this project. The State Elections Board has drafted legislation that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

This project is part of the implementation of Sections 11, 12 and 13 of the State Plan.

### **Section 9 – State-Based Administrative Complaint Procedures**

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.*

The State Elections Board has drafted legislation that establishes an administrative complaint procedure to comply with HAVA Section 402. The draft procedure is consistent with current

election complaint procedures set out in S. 5.06, Wis. Stats., and ElBd Ch. 10, Wis. Adm. Code. The current compliance review procedures meet the HAVA requirements for a uniform, nondiscriminatory State-based administrative complaint procedure.

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, ward division and numbering, recall, ballot preparation, election administration, or the conduct of elections is contrary to law or that the actions or inactions of an election official with respect to any such matter constitute an abuse of discretion, may file a complaint with the State Elections Board and the agency may order appropriate relief. The decision of the Board may be appealed to the courts. Any elector who believes that an election official is acting in violation of the law may request the appropriate district attorney or, in some cases, the attorney general to petition a court for appropriate relief. However, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

The draft legislation creates another procedure for addressing alleged noncompliance with any provision of HAVA relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification. Whenever any person (whether an individual or another entity and whether inside or outside this State) believes that a violation of HAVA has occurred, is occurring, or is proposed to occur with respect to an election for national office in this State, that person may file a written, sworn complaint with the State Elections Board. The agency must grant the complainant a formal hearing upon request and must issue a decision on the complaint, together with an order for any appropriate relief, within 89 days. The relief may not include any order affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

### **Section 10 – Use of Title I Payments**

*If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.*

The State Elections Board has received payments under HAVA Title I. The State Elections Board plans to use the HAVA Section 101 payments to reimburse the agency for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan. The payments will also be used to hire four FTE agency staff to implement HAVA requirements. Section 101 funds will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. In the next biennium, these costs will also come from the Section 101 payments.

Section 101 funds may also be applied to the development of an election information management system for the State Elections Board. Remaining Section 101 payments will be used for costs associated with the voter education, election official training and disability access requirements of HAVA.

The state has also received HAVA Section 102 payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the 15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems. Section 102 payments will be part of the acquisition funds that apply to the voting equipment purchased for the qualifying counties and municipalities.

### Section 11 – State Plan Management

*How the State will conduct ongoing management of the plan.*

The State Elections Board has drafted legislation that establishes an Election Administration Council whose members are appointed by the chief State election official, the Board's executive director, consistent with the directions set out in HAVA Section 255 (a). The State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect goals of HAVA and respond to legislative and executive direction. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and addressing new election-related challenges.

The State will not make any material change in the administration of the plan unless the change is developed and published in the Federal Register in accordance with HAVA Section 255 in the same manner as the original State Plan. Any modifications to this State Plan will be subject to public notice and comment in accordance with HAVA Section 256. The revised State Plan will take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

The State Elections Board has drafted legislation that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

### Section 12 – Changes to State Plan from Previous Fiscal Year

*In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.*

This State Plan is the first State Plan required under the Help America Vote Act of 2002. This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

### Section 13 – State Plan Committee

*A description of the committee which participated in the development of the State Plan in accordance with HAVA Section 255 and the procedures followed by the committee.*

The State Plan Committee was appointed in January 2003 by the Executive Director of the State Elections Board, Wisconsin's chief election official. S. 5.05 (1)(a), Wis. Stats. The committee consists of 17 Wisconsin citizens from throughout the State. There are nine local election officials, including the chief election officials for the City of Milwaukee and Milwaukee County. The committee has three representatives of groups of individuals with disabilities. A list of the committee members is attached to the State Plan as Appendix 3.

The committee held meetings in Madison on February 28, March 12 and April 24, 2003. Committee members also reviewed the draft legislation developed by the State Elections Board to implement HAVA and provided comments to the agency's executive director for inclusion in the draft legislation. Committee members also attended public hearings held on May 21, June 4 and June 9, 2003, as part of the opportunity for public comment on the Preliminary State Plan.

### Appendix 1 – State Elections Board Members 2003-2005

**KIRBY BRANT**  
Madison

**SHANE FALK**  
Madison

**DONALD R. GOLDBERG**  
Milwaukee

**DAVID HALBROOKS**  
Milwaukee

**PATRICK J. HODAN**  
Brookfield

**MARTHA LOVE**  
Milwaukee

**GORDON MYSE**  
Sturgeon Bay

**JOHN P. SAVAGE**  
Milwaukee

**JOHN C. SCHOB**  
New Berlin

**Appendix 2 – State Elections Board Staff**

**KEVIN J. KENNEDY**  
Executive Director

**BARBARA A. HANSEN**  
Elections, Training and Information Technology Director

**SHARRIE HAUGE**  
Campaign Finance and Agency Operations Director

**GEORGE DUNST**  
Legal Counsel

City Clerk, City of New London, Outagamie &  
Waupaca County

**SANDI WESOLOWSKI**  
City Clerk, City of Franklin, Milwaukee County

**ALFONSO ZEPEDA-CAPISTRAN**  
Latinos United for Change and Advancement  
(LUChA)

**Appendix 3 - State Plan Committee Members**

**LYNN BREEDLOVE**  
Wisconsin Coalition for Advocacy

**CAROLYN CASTORE**  
Citizen Action/League of Women Voters

**PAULA DORSEY**  
Operation Big Vote

**FAITH ELFORD**  
City Clerk, City of Fort Atkinson, Jefferson County

**DOUGLAS D. HAAG**  
Commissioner, Milwaukee County Board of Election  
Commissioners

**JULIETTA HENRY**  
Executive Director, City of Milwaukee Board of  
Election Commissioners

**PATRICK HODAN**  
Member, State Elections Board

**MARCIA KELLY**  
Town Clerk, Town of Dale, Outagamie County

**KEVIN J. KENNEDY**  
Executive Director, State Elections Board

**NAN KOTTKE**  
County Clerk, Marathon County

**MARK RICCOBONO**  
National Federation of the Blind of Wisconsin

**AUDREY RUE**  
Town Clerk, Town of Blooming Grove, Dane County  
& Town Clerk, Town of Brigham, Iowa County

**HOWARD SEIFERT**  
Wisconsin Council on Developmental Disabilities

**HELEN STEFFEN**  
County Clerk, Burnett County

**JIM VILLIESSE**