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[00:00:00] **Speaker 1** Well. THOMPSON There was a woman here.

[00:00:06] **Speaker 2** CLANCY Here.

[00:00:07] **Speaker 1** JACOBS Your chair is here. Six members are present. We have a quorum administrator. Wolf, can you give us the report on the meeting? Notice?

[00:00:22] **Speaker 3** Yesterday's this evening's meeting has been noticed in accordance with Wisconsin's emergency open meetings laws. And so the notice was posted, I believe, 3 hours prior to the meeting. Law requires at least an hour's notice.

[00:00:37] **Speaker 1** Okay, very good. The first item on the agenda, the only real item on the agenda is to discussion and possible action pertaining to alleged unlawful absentee ballot requests and mitigation strategies. The minister, Wolf, provided in an email to us at 615 oh. A couple of things. There's a memo on I guess a memo is the first thing possible, clear communication. And then another release that occurred, I guess another release today. So, Megan, do you want to start off and tell us which document you'd like to read off of or however you want to make your presentation?

[00:01:26] **Speaker 3** Sure, I'd be glad to. So as. Thank you, Chairman Ellis. And as the Chair indicated, I did send some information really just for the Commission's information to facilitate today's conversation. So I guess bottom line and to open this up, the WAC is aware of efforts by individuals to submit fraudulent absentee ballot requests in order to demonstrate a perceived flaw in the My Vote Wisconsin website. And yesterday, they're seeing county sheriff's office issued a press release alleging vulnerabilities in the absentee ballot request system. So, simply put, you know, if someone has the personal information of another individual, they could unlawfully request a ballot in their name. So just like a nefarious individual could misuse the personal information or identity of someone to commit something like a financial fraud, someone can also unlawfully use an individual's personal information to commit election fraud. However, there are many checks in the system at both the state and the local level to prevent and detect such activity. Requesting or attempting to vote an absentee ballot in the name of another person has long been and continues to be a crime. Specifically, I will point you to Wisconsin State Statute 12.1 3413i. Under the law, a voter can request an absentee ballot for him or herself only or a lawful assister can request the ballot at the direction of another individual. There is no indication of any vulnerability with the My Vote application. The idea that absentee ballot requests made online via my vote are more susceptible to fraud is false. The My Vote web application requires a person to provide the same information or more information than he or she would have to provide if the person made the ballot request through traditional mail. So the memo I provided also does outline a couple of things. So the first is information about how the my vote gov absentee process works and relevant state law about the absentee balloting process. The second, we outline efforts that have been taken by WCC staff today to reinforce to users that it is unlawful to request an absentee ballot using another person's information. The third thing the memo outlines is efforts that we've made to communicate with local election officials and the public about this matter. And we also have a suggestion for the commission's consideration discussion about potentially sending a follow up postcard to voters who may have an absentee request on file and have a separate or a different mailing address just to check with them to ensure that they did indeed make that request themselves. And then finally, I provided a list of the relevant some of the relevant state and federal law related to impersonating another person in order to obtain a ballot. So it's not an exhaustive list, but it's some statutory references for for your consideration. So first, I want to talk a little bit about the absentee ballot request process and what that looks like. So Wisconsin state statute 6.86 talks about the methods for obtaining an absentee ballot in 6.864 and one eight says that any elector can make their request for an absentee ballot in writing to the municipal clerk. And then Sub6 talks about it being electronic mail being one of those ways by which somebody can make the request. So what the my vote system does is it really facilitates an email to your municipal clerk. So when you go into my vote, you're going to enter your name, you're going to enter your date of birth. A voter is going to have to verify that they are indeed the person, that they're the person making the request. And then they'll be able to fill out essentially a syllable email that then generates an email to your municipal clerk. If a voter already has a photo ID on file, they won't be prompted to upload it. Again, that is the law. The law says that you only have to provide a photo ID with the first absentee application. After that, the clerk keeps it on file for subsequent by mail absentee applications. But if it is the first time, the system will prompt you to also upload your photo ID. So just a note too about this process and how it differs a little bit from the by mail or you know, if you're filling out a paper form. The statute also allows. To submit your absentee ballot application by mail any way in writing so you could send it by fax, you could send it by mail, you could use an official form, you could use a piece of paper to do a handwritten note to your clerk, and you have to give the clerk enough information to identify your voter registration record. But a date of birth is actually not required as part of that. And so in some senses, the My Vote Wisconsin website actually does require information that would be required if you were utilizing the paper process, if you were sending your clerk a paper application, or if you were sending your clerk your own email. So a voter can also request their absentee ballot by sending an email directly to your municipal clerk with, again, enough information for them to be able to identify you in the system. When a voter uses the by vote system, there are at least two places that they have to verify under a potential penalty of state and federal law that they are indeed the voter and that they are indeed submitting true, incorrect information. So those verifications happen both at the start of the process and at the end where there is a certification and attestation that the voter has to affirm. We also, in terms of things that we've done today, after it came to our attention, those public statements yesterday about individuals attempting to obtain ballots, request ballots unlawfully, we did a number of things. The first is we sent out a reminder communication to our local election officials. And this just provided timely information about the situation. It was for information only that they should be aware of this and that they should be making sure that they're, as they always do, double checking these requests as they come through. As you've probably seen in some of the public statements today, that's exactly what happened in these events where individuals attempted to unlawfully obtain an absentee ballot as the clerk saw those, they flagged them is unusual and they were able to contact those individuals and ultimately cancel those requests. We also issued a press statement that clarified some of these things, many of the things that we're discussing here and that were part of the memo. And then we also analyze and continue to analyze the data around absentee ballot requests. So we we get a lot of data through our system where we can see information and we're able to flag something like if there were multiple requests going to the same mailing address or unusual trends, we can also continue to do that flagging for new requests moving forward so that we can identify any potential unlawful information. And then finally, we also added additional language to the message on my vote. So again, there were always messages at the start of the absentee request process at the end, and those get carried through again in that email to the clerk. But we did add some specific statutory sites to both state and federal law to make sure that folks understood the penalty if they were to engage in such activity. Another thing that I outlined in the memo for your consideration is something else that the commission may want to think about potentially doing is we could send something like an additional contact to voters that have requested an absentee ballot in the last month or since the April election that have a separate mailing address on file. We provided a chart of how many voters we think that would be. So it would be roughly 4006 voters that have requested an absentee ballot since the April election and that have a separate mailing address. So instead of having the ballots sent to their residential address, they've indicated a separate mailing address. The Commission could consider something like a mailer to those individuals that simply verifies that they were indeed the ones that made that request and giving them an avenue to contact us at the Elections Commission if they believe that somebody has submitted that request unlawfully, but also making it clear that if they did indeed make that request and they do indeed have a mailing address, that there's no further action that they need to take and that any voter can also go to my vote. That's why that job to check the status of their voter registration, to check the status of their absentee application, you can even track your absentee ballot as it as it comes to you in the mail. And then finally, I'm sorry, as it pertains to that mailer, again, we estimate that it would be about 4006 voters that the commission may consider thinking about sending a mailing to. And we estimate that that would cost approximately 700 and 507,005. Hundred dollars to send a mailer like that prior to the August election. And then finally, we did provide a list of some of the relevant statutes. Again, certainly not an exhaustive list, but Chapter 12.13 of Wisconsin state statutes. There's a number of subsections there that do discuss how that is illegal. It is a crime to falsely procure an absentee ballot or to provide false information to a election official in attempt to obtain a ballot or in an attempt to vote in the same under federal law under 52 U.S.C.. It also talks about how it is unlawful at the federal level to provide fictitious or fraudulent information in an attempt to obtain an absentee ballot in someone else's name. So I will stop there, and I'm sure the commission has questions.

[00:12:10] **Speaker 1** I'm going to start because I've been I've had the benefit of being on the road the last two days and not listening to the media and only getting things secondhand. And so I have a couple of questions just to make sure I understand the process. And so just taking me, for example, I've never voted absentee or voted early, but never absentee. As far as I know, my photo I.D. is not on file with my local third. So if someone were to go into my vote and attempt to ask for a an absentee ballot for me, I'm guessing that that would not be successful because I've never voted absentee. The clerk wouldn't have my photo I.D. on file. That right.

[00:13:00] **Speaker 3** That's correct. Yes. If you have not voted absentee by mail and provided a photo ID by mail previously, and you would have to provide that when making your request. And any time you vote in person, so be it in-person, absentee, or at the polls, you're always going to have to show your photo ID.

[00:13:19] **Speaker 1** And then second for if I am, if I want to start asking for other people's or directing clerks to send absentee ballots to other folks, is there a way that I can find out by looking at my vote whether or not someone else has voted absentee without purchasing the file for for my use for my organization? Yes.

[00:13:46] **Speaker 3** Absolutely. So I would encourage everybody to go to my vote that W.I dot GOP and then you can click on my voter information is probably the great place to go or you can track your absentee ballot and if you click on that, you're going to see you're going to enter your name, you're going to enter your date of birth, and then you're going to see the information relevant to your registration record. So if you have an absentee ballot that you've requested, you're going to see that reflected there for the August election. And you're also going to see your voter history as well as your registration information. And so I do encourage people to take a look at their voter record on my vote. And if they see that there's information there that they did not initiate, they should absolutely contact their municipal clerk and contact us at.

[00:14:40] **Speaker 1** Let me ask you a slightly different question. Would someone else be able to find out if I if I voted absentee in the past without purchasing the file?

[00:14:53] **Speaker 3** So if someone purchased the file, they would be able to see, you know, the voting history in terms of, you know, what method you utilized. But unless someone knew your name as you were registered and your date of birth, they would not be able to access your particular record now.

[00:15:10] **Speaker 1** Oh, go ahead.

[00:15:12] **Speaker 3** I will say, you know, sometimes there are groups that purchase data and then they share it through their own means or might publish it on their own websites. So there could be sources of that information that are publicly available.

[00:15:24] **Speaker 1** So and I'm aware that there are certain requests that have been made of the commission, and I just wanted to see if they're legally permissible. So I understand that there's been a request that we not allow my vote, the mobile website or portal we use to send emails. Is that something that we legally could do?

[00:15:48] **Speaker 3** So my vote simply facilitates an email request. And so if if my vote was not available for voters to utilize, they could continue to just send a request by their own email address. I think the my vote system offers a lot of benefits because it ensures that the voters providing all the information that's required as part of that process. But there is nothing that requires us to have that functionality of that sellable email for people.

[00:16:19] **Speaker 1** Then I know it's also been suggested that we require every request for an absentee ballot to be accompanied by either uploading a photo ID or sending along a copy of a photo ID, even if you have one that's on file. A real we are legally permitted to do that.

[00:16:41] **Speaker 3** That would not currently be allowed. That would not be allowed under current law. So the current law does say that an absentee ballot request, you know, you only have to provide your photo ID with the first one. It is pretty clear about that. So I think and please, if anybody if any of the attorneys have another opinion on this, weigh in. But I believe that would require a legislative change.

[00:17:05] **Speaker 1** Of I occupy the administrator's time. Any other questions I think are here you see Bob raising your hand. Commissioner, stand up. Just a quick question. As you indicate, somebody could request an absentee ballot with a with an application. I think I saw where it says it must be the voter in terms of requesting the application. And I remember a few years ago when we were redoing the form for applications at the not here, you must be the voter in order to fill this out. And they have somebody actually could fill it out and also that it was now required that the absentee ballot form be signed in order for somebody to return one. Is that am I wrong on that?

[00:17:52] **Speaker 3** You're correct in that comes directly from statute. So that was one of the quotes I did include in the email is it says write in. I mean, take a look here. Make sure I get it right. So in 6.8, six four and 1ac, it says that. Just in any application under this paragraph need not contain a copy of the applicant's original signature. So that comes right from the statute. So you don't have to use a form to make your absentee ballot request and you don't have to include your signature that that comes directly from the law.

[00:18:32] **Speaker 1** And also, one thing, you know, of course, if we're in the United States and we're mailing this from Racine and we're else, you know, obviously there's many penalties involved. But what I think what they're trying to point out is that anybody in the world I could be in an asylum or I would just stay out in Greece and sit down and start requesting a lot of what happened here. And obviously that's a little bit different than trying to mail something from the United States. So if if that is something that could be done, then it seems to me that, you know, we maybe need a little bit more than just the name of the person and the date of birth. I remember again with the gab when they were looking at putting a lot of the stuff online in terms of the information that they were going to look at. They were going to look at the driver's license number also, and I guess they finally came up with all we need is the date of birth is do you think, to make the stronger that we should. Also, I mean, somebody is getting into the system because somebody knows somebody who's date of birth. They can see their entire record from whenever they voted and whatever. And in order to make that a little bit more private, should we have maybe the last four digits of their Social Security number or their driver's license number or something along this line? And I guess you were probably there when they were considering this. And I'm wondering what the thought was of not having a little bit more secure than just having the date of birth. Before you answer the question, I want to just make sure are you talking to Mr.. STEINDEL about should we change the law to require these things or should we administratively? I just want to make sure I understand the question. Well, it's it's sort of I don't I'm sure the law obviously does not require at this point in time. And I'm saying what I'm trying to find out because, you know, we'll be looking at trying to make some recommendations eventually. But I'm just wondering why there might not and I'm sure this was discussed, why it wasn't made a little bit stronger than just the date of birth in order to get into the records and do what you want want to do in the records and then the staff, if you could respond to Commissioner Sandoz first and then Mr. Thomson, I think was next up.

[00:20:58] **Speaker 3** I would be glad to. So I believe that at the time what the commission did is they went through and followed exactly what the statute required and allowed. So if you look at things like online voter registration, that statute is very explicit about what is required, what matches have to be made, and then that that records should be immediately put into the system. The same with absentee requests. Again, there's nothing in there that requires a voter's date of birth, that requires a signature. And I also want to point out that my vote does not display any personally identifiable information. So if you enter your name and your date of birth into my vote, you're not going to see your date of birth displayed. You're not going to see any information that isn't already publicly available. So what elections you participated in, that is public information. And so there is no there is no private information displayed as part of my vote. And my vote only facilitates the statutorily required processes. And I think that was probably likely. The Commission's directive at the time is that we should follow exactly what the statute required.

[00:22:07] **Speaker 1** Okay. So that is assuming the that commission we're following, the statutes and that's at that particular time, the requirement requirement was the name and also the date of birth. I do understand that it doesn't give forth the private information other than your your voting history. Just. Okay, Mr. Thompson.

[00:22:31] **Speaker 4** Yeah, I'm. I'm a little confused about some of this discussion. Mr. Melas I was told that there was an emergency meeting to discuss these fraudulent attempts to use our system in a criminal manner. And I thought that the reason we were doing that was to talk about the fraud that we know has committed and what we're going to do about it. My understanding was, and I'm fully aware that Speaker Boss just recently appointed you. And from my reading of the press speak, your boss came out specifically and said that whoever was using his name was committing a fraud. And from what I gleaned from the reports, Harry Waite has admitted to fraud. And so it seems to me the way to stop fraud is to prosecute fraud and not talk about weird, weird issues. And so I'm confused. I mean, we just spent a closed session hours and hours a few, few days ago. Making referrals to people that we thought had violated the election law. And what? What? I thought we were here today because we have Harry wait. Saying he committed fraud and we were going to address it. It's. Is that the purpose of this meeting? Are we making a recommendation that the D.A. charge? Harry, wait a minute. Because I don't know why else we're here on an emergency meeting. The staff there are addressing the issues.

[00:24:13] **Speaker 1** So. I don't.

[00:24:16] **Speaker 4** We were here to protect speaker boss and stop trump in the state. And Harry.

[00:24:20] **Speaker 1** We're not here.

[00:24:22] **Speaker 4** To admitted that he's committing fraud. And if we're going to do something, we should be stopping the fraud.

[00:24:27] **Speaker 1** I think there are three or four things that I think I'd like to accomplish tonight. One of the one of the things that we want to accomplish. And the administrator and staff have put together a remedial. Remedial step. That we can. Staff can. Can. An exercise that can send out a communication to make sure that that to the extent this is going on, we don't know how extensive it is. I have heard different reports that one individual did this for 13 or 15 people. I know that there are other people who have tried to copycat it, one on live radio. There are probably other folks who are trying to have thought about doing this. I think that one of the things that I one of the things I want to accomplish here, I think I would like to give a direction to staff to get their arms around this. From my understanding, and talking with the administrator several times today, they're able to identify many of these instances, and I'd like to identify more instances. I have no problem making a referral. It certainly seems from everything I can. I, I know about this and most of its second or third hand admit that that there are there have been crimes have been committed. And I think that it's appropriate to make the referrals. My my concern is I'd like to know more about things like venue. Which county do we refer to? Where are these people living in? I want to make sure that whatever we do, we do it with a little bit of. Rationality and not knee jerk. I'm committed and I had listened. I had a long conversation with staff today, and I think there was a great desire that was expressed about having a closed session tonight and making referrals. I'd like to know more about it. I, as the administrator said your email, I decided against having closed session tonight because I think there are things that we can do in open session to address the issues that have been raised. And I do think that we'll have to make referrals. I want to be I want to go about it look more sophisticated where I want to know more about it. I want staff to know more about it. But it seems to me, you know, you've got certain individuals that publicize themselves. It doesn't take us to have a district attorney or someone look into this. But I think that we want to do it in a logical, methodical manner, and I don't think I'm not opposed to it. So I look at this, I think my goal tonight is to have is to give some direction to staff to get their arms around this, to find out what's been going, what's been going on, what has been going on, this untoward to I do want to approve some sort of mailer so that to the extent that there are people out there whose absentee ballots have been requested and by someone else, they can they can get to the bottom. They can contact the clerk. I'm guessing it's a small percentage of the 4000 or so, but I think we should take that step. The other step is to raise awareness of this, so that so that the public, the press can pass along what can and cannot be done. Part of my questioning tonight was, I want to know what can and cannot be done, what would be effective. And it seems to me, for example, there are those who want us to shut down my vote for this purpose, when all you have to do is just start sending out emails you can go to. You can take the list that you've purchased and just send emails to Clark saying Start sending out ballots. It would be easy, just as easy, perhaps easier than doing it on my. You can do it in handwritten too, but emails are a really great, easy way of doing it. So there are ways of doing it that's not going to be effective. I also want to there's also been a proposal to require photo ID for every absentee ballot application. That's not the law. I want to make sure people understand it. It could have been the law. A governor ever vetoed a bill that would have required that we wouldn't be in the situation. But that's not the. That's not what we find ourselves in. I think it is a little premature to talk about all the legislative changes that might that might resolve this. But right now, what I want to do is see what we can do from a remedial standpoint. So we continue to communicate with clerks and the public about what's what can be done and what people should be doing if they are concerned that someone is requesting an absentee ballot on their behalf.

[00:29:11] **Speaker 4** Mr. MELZER I'm.

[00:29:13] **Speaker 1** Pretty sure Thompson.

[00:29:14] **Speaker 4** Wants one thing and responds because of your address in my question. Harry Waits committing fraud and using. Speaker Boss's name had nothing to do with the current governor or any governor. This is not an issue of preventing anything. The way to stop crime is to do the referral. I'm glad you're willing to do it. If you want to wait until next week to do that, that's fine, too. But I think we need to be absolutely clear. The reason we're here is people decided intentionally to break the law and commit fraud. And that's the only reason we're here. Period. And what happens when people commit crimes. They should be referred and prosecuted. That would end it. That would end this game playing as soon as a few people go to prison for falsely using people's names. That's going to stop.

[00:30:19] **Speaker 1** Mr. Spindle Well, I think in the past there's been very little prosecution regarding this. But I'm I think what the public needs to know, and I think is saying is what how do we know this? What we could say is some vulnerabilities on this. What are we going to do about it? And I think the stamp as outlined is a very good procedure for that. It appears if we have 4000 and I guess it's about 120,000, what I heard mail and both so far that means about 2% of that right. Going to people that send in the absentee ballot want to go. They want to go to a different address. That's about right. And so I think any money we spend on that is right. We want to assure also the public that the same thing we're going to take every possible way to make sure that this cannot happen to other people and that making a few extra steps to do it. This vulnerability was pointed out to us and it's been out there and it's first time I heard that from Don that there might be some places that somebody did 15 of these. I mean, I don't know how you ever go back and check that out, but I would suspect it is a lot easier to do it on the computer on my boat than it is to send in 50 emails. Because if you send in 50 emails, I would suspect that there aren't many emails that are sent in for applications. I don't think we have any numbers in that, do we? Megan on how many emails are sent in for absentee ballot requests.

[00:31:57] **Speaker 3** I don't have that in front of me, but it's certainly something we could find.

[00:32:00] **Speaker 1** I think it's probably not a lot, but I agree that we need to ensure the public tonight that they're going into the system is safe and we're making it safer by the steps that the staff is recommending. And that's, I think, one of the important parts of having this is an open meeting. So everybody can hear and see that the Wisconsin Election Commission is taking steps to protect everyone's votes. And let me also respond. I mean, I'm I'm my preference is before we make criminal referrals to get a staff recommendation, we don't have that. My concern about having an emergency meeting tonight was because we we needed to assure the public that there are steps that we can take to make to to the extent this is a problem, we can do the best we can to alleviate it. And I think the most concrete thing we can do is to notify those people who have for which an absentee ballot has been requested, be sent to an address other than the address on the registration list. Let me ask staff. We're doing this as a one time thing. We'll be able to monitor this and as as new as new requests come in. Can we follow up on a weekly basis or some have some way of following up so that when this happens next week or well, probably immeasurably some closer to the primary. But in the general, we can have a follow up saying you've requested our records indicate you've requested an absentee ballot email to an address other than the address that we have for you. Is this is this your intent? I mean, I, I look at this as if I if I want to change my Netflix or password for one of my my bank or something, I can't do that unless I get an email saying, you know, you asked for your your password be changed. And I look at the same sort of thing. And I guess my question is, can we continue this on an ongoing basis administratively until we have another way of dealing with this legislative.

[00:34:11] **Speaker 3** I think if the Commission were to direct us to do so, we could I mean, it's not something that's contemplated in statute right now. And I think it's also something the commission could discuss, whether it's us at the commission that would send that or if it's something like a mailing that clerks can generate to voters in their community to make that verification.

[00:34:32] **Speaker 1** Let me follow up. So I actually I guess that's right, because when we first talked about this, the reason to do it, the mailing from the commission is that we're able to identify as of today, those are those folks who fall into this category. We could give guidance to clerks to say that if if someone's requested an absentee ballot and they were absolutely mail to an address other than the address that shows up on the registration list. That at the same time recommended they send a postcard to that address on the registration list saying. It's actually what I've said. We have we received a request for an absentee ballot to be mailed to this address. Is this consistent with your intent or whatever? Is that what you're saying?

[00:35:18] **Speaker 3** Yes. We do have informational mailer templates that are available to clerks for various situations. So this could be something like that. But I don't think there's anything in the statute that would allow us to mandate that. But it's certainly something that we could provide them with the resources to be able to conduct that outreach.

[00:35:37] **Speaker 1** This system that I just mentioned, your voice has been up for quite a while. Thank you. Well, you know what it was. You got yellow in the background? Sort of. Well, the next.

[00:35:51] **Speaker 2** Time, I'll just shout out.

[00:35:52] **Speaker 1** Pictures. That's okay. Let's do it. Marcus.

[00:35:55] **Speaker 2** I wanted to follow up on a few things, one of which is I want to echo Commissioner Thomson's statement about this. I want to read to you what just was posted in the Racine Journal Times. Apparently Harry Waite gave an interview and he said, quote, What I did was illegal. Not only illegal, it was criminal. And then he also went on to say, because something is illegal, does that mean we shouldn't do it? And I am astonished and outraged that this is he thinks this is something cute when what he's doing is committing crimes and bragging about it in an attempt to undermine our voting system. And I appreciate the chair's desire to be thoughtful, but sometimes when people confess fully in the newspaper, we don't really need to go into a lengthy analysis over it when it comes to saying, do you have probable cause to believe that a violation of Wisconsin statutes has occurred? And he's bragging about violating 1213 in a variety of ways. The one concern I do have, and I believe attorneys with Tucker McCormick can correct me if I'm wrong, this would be a 5.05 complaint. The commission itself is prohibited from filing our own 5.05, and we would have to have someone in the public who's not on the commission send us a complaint. Is that right?

[00:37:28] **Speaker 1** Counsel Yeah, yeah, yeah. I believe we would need an official complaint filed to that degree. There are some other relevant statutes, not the least of which would be 7.15 parent. One parent which actually directs that. The local clerk with the knowledge of these matters shall refer that to the district attorney for the county where the suspected activity occurs. I will.

[00:37:56] **Speaker 2** And have we told the. Racine County clerk that she shared. He has that obligation.

[00:38:06] **Speaker 1** We and I don't know if anyone else has contacted I have received some direct contact from clerks in other municipalities that have concerns locally, some of which that have asked that we refer on their behalf, if possible. So there is those types of considerations as well, and there are some ancillary statutes that do give us direct authority to make referrals even outside of the complaint process. But largely this type of thing is contemplated as a local Clark referral.

[00:38:35] **Speaker 2** Okay. And is there a plan to notify Clark through a Clark communication of there? It does say. Report that they shall do this. Is there an indication that we are intending to send a clear communication, telling them that if they believe this happened in their community, that they are to refer it to their local district attorney.

[00:39:03] **Speaker 1** I think we certainly could, particularly if that was the direction of the commission. And again, some have contacted us as well. And so if the commission felt that appropriate, you know, at the direction or the request of the local clerk, that we aggregate that data on their behalf, that would be potentially an option as well.

[00:39:21] **Speaker 2** And then my other question is, it looks like. The. It looks like from the Internet that Mr. Waite appears to possibly reside in Kenosha County. Do we know if any persons in Kenosha County were targeted by him?

[00:39:42] **Speaker 1** I do not know personally, although I know some of the team is working to aggregate data from within the system itself, and I think we're still collecting a lot of that information. Okay. If I interject, I'm just just you know, and again, I appreciate the points of. Attorney Whittaker The minister, Wolf, and I had a conversation along these many lines about some of the procedural concerns, the venue concerns. And and, of course, it was a point, as I was driving along northeast northeastern Colorado with the spotty cell service. It took us a while. But this is these are some of the things that I really wanted staff to deal with, because I like, for example, the issue of Kenosha County is that is the proper referral to Kenosha County in terms of some of the other folks, because I know that staff have identified other and other individuals for whom these requested the ballots. Does that is that those communities are in what county? So that's why I was I was hoping that. And then the other issue is what statute what what statute does the commission have? The authority we need the complaint and all that. So my thought is that whether it's this one individual that Mr. Thompson's mentioned or you mentioned or other folks, I'd like to gather some of this information. But I think staff are on that and thinking about that. That allows us to have, in my mind, a more methodical and thorough conversation about where to make the referrals and under what statute. But I've got two more questions.

[00:41:25] **Speaker 2** I am underwhelmed with the idea of being of delaying a referral when someone has confessed multiple times to multiple newspapers as to the actions they took. And if the answer is you want to wait until the commission makes referrals, there would be no reason for us not to direct clerks to notify their district attorneys that someone has done this and they're aware of it. So I think we ought to be telling clerks that immediately. And then certainly, if you want to have a little more time on it, I mean, here's the thing, is that we have an obligation to do this for exactly the reason Commissioner Thompson said that people who think it's cute to commit a crime to undermine elections, that needs to be stopped and it needs to be stopped now. And waiting implies that there's something appropriate about it. I am very concerned about comments in the press that are attributed to Sheriff Schmaeling saying that he would never charge this gentleman. I am concerned about statements in the press from the district attorney of Racine saying she was looking at, quote, all sides on this. I'm very concerned about that. So I do think we need to take action, take action promptly and do it before we have a cascade of imitators undermining our elections and thinking that it's something that they can go about and brag about with no repercussions. And the other thing, too, that I wanted to make clear is I don't know that I have a particular objection to sending a postcard to voters saying, hey, someone request the ballot be sent somewhere other than your registration address. But the key thing is this the voters shouldn't have to take any action if that's okay with them. Absolutely. Voters should not have to do a thing if they have to look and say, yep, that was kind of me, I'm going to just set it aside, because what we don't want to do is make it harder for people to vote. Certainly don't want to do it.

[00:43:27] **Speaker 1** We're doing that.

[00:43:28] **Speaker 2** 12 days before an election.

[00:43:30] **Speaker 1** That's right.

[00:43:31] **Speaker 2** You have to be very thoughtful in that regard as well. So I just wanted to clarify that if we do decide to send something out, that we make clear that if this is okay, take no action. Along the lines of what you just said. I get emails from my credit card company that say, Did you make this charge if you did, just don't do anything about it. Right. Absolutely. Now, the only difference is with voting is we people without email, people without cell phones, with people who have much more limited ways of communication. So we're not going to be doing that for voting. But the postcard seems perfectly serviceable and reasonable.

[00:44:08] **Speaker 1** And the language and what staff drafted makes it clear if you didn't if you made this request and no further actions needed. So I see a couple of possible action items. But to Mr. Spinelli, a couple of technical questions. One is, in terms of we have the information obviously at our level that we can identify each person or each mail in ballot where they had a sent to a different address. And we have the ability to do that. It seems to me that that should be our responsibility to do it. If we delegated to the clerks saying, okay, every time you get an application that says a different address, you got to send out a card. They're busy. Some of the clerks will do it, although the clerks will not do it. But I think if we go to that particular way of doing things, it should be our responsibility. We should put the funds necessary to to do that. I think that will help in terms of giving our voters confidence that this is going to be one of the items that will stop us along this line if, in fact, this is going along and should give the voters some confidence along that line. And do we have the ability to go into the system? I guess we do. And see exactly who this one individual, you know, how many he how many requests he put in for the various absentee ballots. You and Mr. Smith and Mr. Jones and this and that, we can go back and pinpoint that to him directly. Do we have the ability to do that?

[00:45:53] **Speaker 3** Well, you know, I think, you know, I don't want to speculate on exactly what we will have or what be provided as part of our final analysis of this. But, you know, we're able to see what mailing address somebody used. And so if there is the same mailing address being used, that gives us a pretty good clue and we can see who lives there. Then we have other information like IP addresses. And so, yes, we do collect a lot of information that we'd be able to utilize to understand if there were a trend.

[00:46:26] **Speaker 1** The way we collect the IP address, then for all the transactions that go through our system, we have the ability to go back and find that particular IP address.

[00:46:40] **Speaker 2** One, some of.

[00:46:42] **Speaker 3** The data points. Yes, that is something we're able to call upon in order to analyze. So, you know, it's not as simple as just, you know, storing it, but we are able to analyze some of that information should it be needed.

[00:46:56] **Speaker 1** Okay. And then just one other thing. It seems like the receiving county district attorney is well aware of this, as is the sheriff, as is a lot of other people. So I would suspect that and is is Jim said it's a responsibility of the clerk there. Turn it over to the district attorney. And so I would I would expect that that's being done. Now, I suppose we could send an email to her saying, this is something you should be doing. But I wouldn't be surprised that we're watching this right now, learning what needs to be done. Can I inquire of Mr. Thompson? Go ahead.

[00:47:38] **Speaker 4** Just just a couple questions. It sounds like we have a draft communication on the table where we're going to firm up the specifics on instructing clerks to contact their DEA immediately if they identify it. And then.

[00:48:01] **Speaker 3** Part of me. The clear communication that was provided has already been sent. So that one is has already been sent to the clerics. But should the commission wish to send them anything additional? They certainly could do that.

[00:48:13] **Speaker 4** Okay. The other thing that I would just. I can accept. You're you're saying like give the staff a couple of days to put the information together and get back. I would just request that we would have that meeting, you know, like no later than Tuesday next week. And I would prefer because my days are booked, I'm open to doing it at night. Just email again like, you know, fortunately it work tonight, but I think we really need to make a bold statement very, very quickly. And this cannot wait.

[00:48:54] **Speaker 1** We need to. Right.

[00:48:57] **Speaker 4** I mean, I'm just saying that, you know, if you want a few days, I can live with that. But otherwise we've got to get to it.

[00:49:03] **Speaker 1** We are staff to help me. We'll send out a request for Time's for a special meeting next week anyway. And I thought we were looking at Tuesday, Wednesday, Thursday, four times a week at a time yet for that meeting.

[00:49:22] **Speaker 3** I did receive feedback from most commissioners, but I did not have a chance to find the commonality today.

[00:49:30] **Speaker 1** So why don't we got that meeting?

[00:49:32] **Speaker 4** I thought that was the end of August.

[00:49:34] **Speaker 1** Now we have another one next week.

[00:49:41] **Speaker 3** Yes, that's correct. I sent out a poll for two meetings, one next week and one at the end of August.

[00:49:46] **Speaker 4** I guess I haven't seen that other one. I'm sorry.

[00:49:48] **Speaker 1** My apologies. So why don't we why don't we do that? And I'll ask staff because I mean, again, going back to the conversation that the questions that Commissioner Jacobs had and some of the questions that I had with staff this afternoon about the proper. What are the proper authorities to make referrals for identifying other possible individuals for whom referrals should be made, and the proper statutes under which referral can be made by the Commission? I want to I want to make sure what we're doing we can do. And so if we can have a little bit more, say it to you that up for us so that when we have our meeting next week, we can make those consider those referrals. Fair enough. That's a question for staff, basically. Does that work?

[00:50:44] **Speaker 3** I think from my perspective that works, that will be able to provide you with whatever information we have at that point.

[00:50:52] **Speaker 1** Okay. And then let me let me ask I guess I see a couple of possible action items here, and I want to follow up on one of the suggestions. We had earlier in the discussion, we talked about sending out this one postcard. Everyone who's, you know, meets the quality, meets the criteria, the 4000. And then, you know, one alternative is to suggest to clerks that they do the same when you have a request for about to go to an address other than that which is shown on the registration list. An alternative would be, I guess this is what consistent with what Commissioner Stendel wants to do would be to. Check maybe every week. I mean, this this search that you did was done for all requests that came in after the spring. General, up to like today or yesterday, is that right? Yes, that is it. And so is it possible to avoid having to put this on to the clerks to do this on a weekly basis? You know, just take it to the next universe and say we're going to do a search for for everyone starting tomorrow or whatever the next day is. We're this just people from this universe. Is that possible? So that the clerks don't have to do it? The commission can do. Not so quick. You were robbers.

[00:52:19] **Speaker 3** What we did look into today was sort of looking at, you know, the the the realm of who has made a request up until today that includes a separate mailing address. And so I think we'd be prepared to take any commission action on that batch. And then perhaps next week we could talk about what a plan moving forward on a weekly basis or a bi weekly basis would look like. But I think one of the parts we need to sort out is working with the printing and distribution through the state contract to make sure that that's possible. So we haven't looked into the weekly sort of cadence, but we have looked into the one time mailing.

[00:52:56] **Speaker 1** And that that, that again, that's I don't mean to use the word bureaucratic in a negative sense, but it is there are certain contracts that the department administration has that limits our ability. We just can't go down and print off a bunch of postcards and send them out. We're violating some state contract, right? Is that.

[00:53:17] **Speaker 3** Correct? Correct. There are very specific things that we have to do now. We are exploring because the volume is small. If there is other alternatives for us to do it in-house and whatnot, and we'd certainly be able to provide that information to the commission at a meeting next week, if you'd like to.

[00:53:33] **Speaker 1** We do listen to Commissioner Glass. I'm sorry.

[00:53:36] **Speaker 2** Okay. I think there is some advantage to the.

[00:53:40] **Speaker 3** Clerks doing it, certainly with coming to Milwaukee, Green Bay and the larger cities. But most municipal clerks may be.

[00:53:47] **Speaker 2** Able to look at and say, well, this particular voter, this is an.

[00:53:51] **Speaker 3** Address they've used multiple times over the last several years as an alternate.

[00:53:55] **Speaker 2** Address and would be able to say, well, that's not a problem, whereas we would have, you know, that the commissioner would have no reason to know that. So we might be sending money, more postcards than we need to. So I think sending them for those that have happened in.

[00:54:12] **Speaker 3** This last.

[00:54:12] **Speaker 2** Batch that they've identified is fine. I think going forward, I think the.

[00:54:16] **Speaker 3** Municipal.

[00:54:17] **Speaker 2** Talks are really your best option because they do know more about their voters than we do.

[00:54:25] **Speaker 1** So it sounds like that's it. We can have that discussion next week. Commissioner Swindell Yeah, I understand what you're saying. However, we are going to have works, that we're going to be conscientious about this and we're going to have clerks that are not going to be conscious about this. And I think it's very important to ensure the voters of Wisconsin that we are taking steps in this direction, that we have a procedure in place to make sure that it gets done. We can remove 1850 clerks. There's all sorts of things they they need to do. There's all sorts of maybe some we believe in this. Maybe they say this is necessary. We don't need I don't want to do this. If we come up with this policy and I think it's a good one, it basically solves to a large extent what we're talking about tonight that we should go ahead and do it from the centralized Wisconsin Election Commission. I think our staff can certainly figure out, as they have many things figured out, how to do this very official. So it sounds, though, I think what I'd like to do is have that make that decision next week. We have a special meeting just to sort of take this in chunks. There is a draft card or postcard on tap on page four of the memo from the start up. Is that is there a motion to authorize the staff to send this card out to the university? Address is indicated some move by Mr. Stendel or a second. Second by Commissioner Boston in any discussion on this. If not, I'll call the Royal Commissioner Jacobs. I do, Mr. Spindle. All right, Mr. Thompson. Mr. Boston, Bostonian.

[00:56:25] **Speaker 2** Hi.

[00:56:26] **Speaker 1** Mr. Glancy.

[00:56:27] **Speaker 3** Hi.

[00:56:28] **Speaker 1** Terrible tie motions of six to nothing. And then there's also the suggestion that we. Send a reminder. I'm not sure how to our culture or culture to our clerks that they have certain obligations to report criminal activity. And I'm guessing that this is one of those and it's counsel can tell me other other items that they are obligated to report. I think the statutory provision that we talked about earlier is the most relevant and kind of broad, if you will, because it relates to frauds, irregularities or violations that they have knowledge to. There are obviously other obligations within the statute, but I think that would be kind of the catch all for the types of things that we're talking about here. Okay. It's a process. We know one thing along that line that might not be a bad idea in terms of being more explicit to the clerics in terms of what they're expected to report to their district attorneys. I would suspect that maybe her confessor or a glance your boss can answer this, that there probably aren't many referrals made to district attorneys. Is that a is that a good assumption that there are very few where the clear. We just don't know. Suppose.

[00:58:08] **Speaker 2** Well, I haven't been a clerk for a while, but I don't remember.

[00:58:11] **Speaker 3** Many during my tenure as county clerk.

[00:58:15] **Speaker 1** No. And under that provisions, 7.15. Again, parent, one parent. Gee. That's where we find our obligations under Chapter 13 to reply to provide the report to the legislature that we provided last week. And I forget the number that that Brandon had proposed, but it was not very voluminous, if you will. There are obviously other things that are uncovered through complaint processes that we independently investigate, cross state referrals and those types of things as well. The most directory statute that we have involves that's found in Chapter six that involves the reports that we get from the Department of Corrections on felons with parents that are actively on paper, if you will. And we have an affirmative kind of requirement to notify the district attorney for those types of violations and some others. So there are directory statutes for us to make certain types of referrals. And if I could make one final point, you know, to the extent that the commission wishes to engage, it's to remember that this is a system that we're talking about. You know, that is an offshoot of the statewide voter registration system. And that's something that we're statutorily, statutorily required to create, maintain and secure. And then also that is critical infrastructure that is protected at the federal level as well as our state level as well. And so, you know, these are these are no small, you know, attempted attacks, if you will, because this is a system that has a designation of protection as critical infrastructure of the United States. So, you know, this this is no small matter, although I think it's clear that the commission is not treating it as such. So do we have any thoughts on. Doing a sending out a follow up circular or correspondence to clerics on their obligations to report criminal activities.

[01:00:20] **Speaker 2** I think it could be a very. It doesn't have to be a very heavy, you know, hammer on clerics. But I think letting them know that if they believe that that's what they're observing, that this is what they need to do. And also that, you know, we'd like to know about it as well, because I think we would. But that the right thing to do is not to worry about it. It's to refer it to their local district attorney, who then takes that part over for them. Because I'm sure there's a lot of clerics who are looking at perhaps their own records and going, gosh, this you know, I'm concerned about this. What do I do? And I think it would be.

[01:01:02] **Speaker 1** Wrong for.

[01:01:03] **Speaker 2** Us to tell them.

[01:01:06] **Speaker 1** Commissioner Thompson, did you have your hand up?

[01:01:08] **Speaker 4** No, go ahead. There's a commissioner in Boston. Manhattan.

[01:01:11] **Speaker 1** Okay. I'll say commissioner Boston.

[01:01:13] **Speaker 2** I would think it's a it's a good idea to send something to the clerks in view of the fact that this is in the news and this is very public right now. So I would think you would just send a reminder that says, please, please be cautious, please be aware. Please be please be on alert. And if you do see something, make sure that you do make the proper referral. I think it's an appropriate time because this is so in the news right now. Now the motion. Sure. I'll second that motion.

[01:01:43] **Speaker 1** Motion made by Commissioner Boston and seconded by Commissioner Jacobs is in our note taker and our note taker.

[01:01:53] **Speaker 2** Yeah.

[01:01:54] **Speaker 1** You have that. Yup. Okay. Yeah. A discussion on the Intuition Commission. Boston was most. If not, I'll call the royal commission is the motion. Oh.

[01:02:09] **Speaker 2** To go ahead and send a communication to the clerks because of the publicity that.

[01:02:14] **Speaker 3** Has been brought up in the last few days.

[01:02:17] **Speaker 1** And is that it's not only mentioning this, but also mentioning things in general, as I think you indicated, the checking.

[01:02:26] **Speaker 2** Asking them to be aware and just be on guard and if they notice something to make sure that they act appropriately.

[01:02:33] **Speaker 1** Right. Good. Okay. Okay. Any further discussion? If not, I'll call the Royal Commission. Commissioner Glancy I. Jacobs. I've been dealt by Thompson. I must admit.

[01:02:49] **Speaker 2** I.

[01:02:50] **Speaker 1** Terrible time. Motions past six to nothing. Any other business.

[01:02:55] **Speaker 3** May I ask just a quick clarifying point. So I just want to make sure that I understand fully. So the communication we already sent today is a reminder is letting clerks know about this issue and telling them to be extra vigilant and, you know, lookout out in case there are unusual requests that come through. And so, if I'm understanding correctly, this second communication is reminding them of that again, but then also encouraging them to telling them about the statute that obligates them to refer matters if they do detect them to their district attorney and then to report to us.

[01:03:31] **Speaker 1** Now, I was I thought it was alerting them to their obligations under the statute. Okay. Okay. This is consistent to Mr. Baldwin.

[01:03:41] **Speaker 2** Yes, that that's pretty much what I said. Yeah.

[01:03:44] **Speaker 1** Fair enough. Any other action items that you. Bob? I know, I. Okay. Is there anything else? And so we are going to try to meet. Middle of next week. We'll. Megan will take a look at the email responses if you didn't respond to the request for next week. Follow up, please, and we'll try to get something on the schedule. Anything from anyone else? It's not. I'll entertain a motion to adjourn. I'll move this move by Commissioner Jacobs. So I'm going to like you, Mr. Boston, and I'll call the real Mr. Boston.

[01:04:28] **Speaker 2** Hi.

[01:04:29] **Speaker 1** Nancy.

[01:04:30] **Speaker 2** Hi.

[01:04:30] **Speaker 1** Jacobs. I've been dealt by Thompson. I terrible. Sorry. Motion passes. Thank you for your time.

[01:04:40] **Speaker 4** Thank you, Mr. Chair.