A REVIEW OF THE 2020 ELECTION

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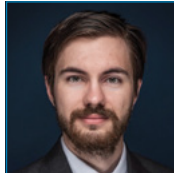
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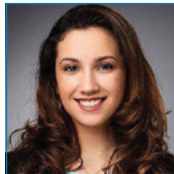
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INTRODUCTION

At 1:16 pm CST on November 4, 2020, more than 17 hours after the polls closed, the Associated Press called the State of Wisconsin and its ten electoral votes for former Vice President Joe Biden. Just four years prior, Donald Trump had stunned pundits and analysts by winning the state by 22,748 votes, a margin of less than 1%. But in 2020 Wisconsin swung towards Biden by an almost identical margin of just 20,682 votes out of 3.2 million cast.

By the end of November, Dane and Milwaukee counties were recounted at the request of President Trump's campaign—resulting in additional votes for Joe Biden—and the election results were certified by the Wisconsin Elections Commission (WEC) and Governor Tony Evers on November 30. Unsuccessful court challenges were resolved in December. Most significantly, the Wisconsin Supreme Court declined to throw out votes that were claimed to have been cast unlawfully (although not necessarily fraudulently) relying on the doctrine of laches, a doctrine that allows a court to decline to hear a claim that has been unreasonably delayed without the knowledge of, and to the detriment of the party against whom it is asserted.[*] It reasoned that, if the Trump campaign wished to challenge certain voting procedures as unlawful, it was obligated to do so earlier and not after the election was over.[†] Wisconsin joined four other key swing states that flipped from Trump in 2016 to Biden in 2020, handing Biden a victory in the Electoral College and the presidency.

But court decisions notwithstanding, the aftermath of the 2020 election has been marked by allegations that the 2020 election in Wisconsin was "rigged," "stolen," and subject to widespread voter fraud. Within days of the election, concerns were raised about vote dumps in the middle of the night in Milwaukee, the conduct of election officials in various communities, the widespread adoption of vote-by-mail and absentee drop boxes, as well as allegations of votes being changed by voting machines. Donald Trump refused to accept his loss. In a, quite frankly, shameful embarrassing incident, Trump called for Congress to at least delay counting the electoral votes and some of his supporters breached the Capitol. While this incident was hardly a serious "insurrection," it was shameful. Although Trump later criticized his supporters and conceded the election, he continues to maintain that he won.[1] Allegations of fraud persist to this day.[‡]

Claims that an election was unfair and calls for an audit are not new. Nor are they the exclusive province of Republican voters. In 2016, there were serious calls for an audit, despite concessions that the election was not

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[*]   *Trump v. Biden,* 2020 WI 91. A majority also held that a challenge to all votes cases by "indefinitely" confined voters was without merit. Three dissenting justices would have considered the claims.

[†]   There were a number of other cases, including a federal challenge which essentially argued that various decisions made by the Wisconsin Election Commission altered the "manner" of choosing presidential electors prescribed by the legislature in violation of the U.S. Constitution's "Elector's clause." The Seventh Circuit held that the Constitution requires only substantial consistency with the state election laws and that it would not review the interpretation of "[i]solated sections of the elections code. *Trump v. Wisconsin Elections Commission,* 983 F.3d 919 (2020). It also cited the Trump campaign's failure to bring an earlier challenge.

[‡]   Summaries of the years of spurious accusations that followed the 2016 election can be found even among left-sympathetic sources, such as this one: Linker, Damon. November 17, 2020. *Democrats aren't innocent bystanders.* The Week. *https://theweek. com/articles/950236/democrats-arent-innocent-bystanders.*

hacked, and the results would not change. Claims of Russian "interference," always vague and often consisting of disinformation, persisted. In both 2000 and 2004, Democrats challenged the validity of George W. Bush's victory, saying that he was "selected" and not "elected." To this day, the defeated Democratic candidate for governor of Georgia refuses to concede, despite losing by over 50,000 votes.[2] Many prominent Democrats support her view and she, herself has become a leader in the party's election integrity efforts.*

In a Marquette University Law Poll conducted in August 2021, nearly a year after the election, more than 70% of Republicans and 26% of Independents reported a lack of confidence that "the votes for president were accurately cast and counted in last year's election."

This illustrates a key component of election integrity. In a sharply polarized nation, it is important that losing partisans be willing to accept the election results, even if the winner is someone who they believe will harm the country. For that reason, voting must not only be accessible but also as secure as possible. A secure election process reassures those voters who dislike the outcome that they can accept the results, knowing that the election was fair. When large numbers of voters question the authenticity of an election, their concerns, whether valid or not, need to be addressed. This report seeks to address those concerns.

For more than ten months, a group of researchers and attorneys at the Wisconsin Institute for Law & Liberty (WILL) engaged in an in-depth examination of the 2020 election in Wisconsin. We approached this work without presumption as to what it would find. It seemed to us that someone needed to make a serious effort to separate fact from fiction. As noted above, many Republican partisans, like Democrats before them, are convinced that there was a "Big Steal." Much of the legacy media is of the view that, since there is little or no evidence that Trump won the election, any effort to look into whether proper procedures were followed is just part of the baseless conspiracy-mongering that pushes "the Big Lie." There is nothing to see.

But the truth may lie between these two poles. The findings that follow are based on a statistical analysis of the vote totals, a targeted review of nearly 20,000 ballots and 29,000 absentee ballot envelopes, surveys and polling, and review of tens of thousands of documents collected from more than 460 open records requests. It is based on review of the law, interviews with election officials, and careful consideration of what each "side" has said about the election. While there are certain limitations to what this project could reasonably accomplish, we attempted to follow the evidence where it led us.

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*   E.g., after the 2018 election loss, the Democratic Party invited Stacey Abrams to deliver the response to President Trump's State of the Union address. Segers, Grace. *Who is Stacey Abrams?* CBS News. Accessed October 28, 2021. *https://www. cbsnews.com/news/who-is-stacey-abrams-state-of-the-union-2019-rebuttal-democratic-party-biography-live-stream/*. In 2021, Michelle Obama partnered with her to advocate for voting legislation while former Virginia Governor, former DNC Chair, and then-Virginia gubernatorial candidate Terry McAuliffe has rallied with her at campaign events. *Michelle Obama and Stacey Abrams are asking you to join us. Are you in?* When We All Vote. YouTube video. August 5, 2021. *https://www. youtube.com/watch?v=UgpkzWdNcio*. The Hill. [@thehill]. (2021, October 18). *Stacey Abrams: "I come from a state where I was not entitled to become the governor, but as an American citizen and a citizen of Georgia, I'm going to fight for every person who has the right to vote to be able to cast that vote."* [Tweet]. Twitter. *https://twitter.com/thehill/status/1450111409677905927?ref_ src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1450111409677905927%7Ctwgr%5E%7Ctwcon%5Es1_&ref_ url=https%3A%2F%2Fwww.realclearpolitics.com%2Fvideo%2F2021%2F10%2F18%2Fstacey_abrams_campaigns_for_mcauliffe_i_was_not_ entitled_to_become_the_governor.html*.

SUMMARY OF CONCLUSIONS

For the purpose of this review, we define fraud as an intentional effort to subvert the election by:

- Preventing voters (who support a specific candidate) from casting a ballot or having their ballots counted,

- Attempting to procure votes that were never cast, or cast by a person not eligible to vote, or

- Falsely increasing the vote for a favored candidate.

This is likely what most people refer to when they say the election was "stolen." There is a second distinct, but also related issue. Were votes cast in a lawful manner? **It is almost certain that in Wisconsin's 2020 election the number of votes that did not comply with existing legal requirements exceeded Joe Biden's margin of victory.** The questions of fraud and unlawful processes are related. The required legal processes for casting a ballot exist for good reasons, including the prevention of fraud and the assurance that the election is even-handed, i.e., that the process does not provide greater or lesser opportunity to vote to supporters of one candidate than that of the others.

This does not necessarily mean that Biden did not win a majority of eligible votes. We looked for evidence that failure to follow proper procedures was exploited to commit fraud (in the first sense in which we have used this term). **By this measure, there was no evidence of widespread voter fraud. In all likelihood, more eligible voters cast ballots for Joe Biden than Donald Trump.**[*] We found little direct evidence of fraud, and for the most part, an analysis of the results and voting patterns does not give rise to an inference of fraud. **But that is far from the end of the matter. Failure to follow proper procedures makes fraud more difficult to detect and state law requires that the prescribed procedures for absentee voting are mandatory.**

There is no way around it; the failure to follow the proper procedures for absentee voting is a serious abdication of the responsibility election officials have to follow the law. Our statutes note that voting is a constitutional right, but "[i]n contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place."[†] For this reason, state law makes it clear that the "legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses." The law specifies that the processes governing mandatory voting are "mandatory" and that "[b]allots cast in contravention of the procedures specified in those provisions may not be counted" and "may not be included in the certified result of any election."[‡]

Elections—processes by which we choose our leaders—must adhere to rules agreed upon before the fact. Even if no fraud can be found, failure to follow rules designed to minimize and detect fraud feeds the suspicions of the losers that they have been "played" by the winners. **Widespread abandonment of proper procedures**

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[*]   Note that the statutory definition of "election fraud" is far broader than this conception. See Wis. Stat. § 12.13.

[†]   Wis. Stat. § 6.84(2)

[‡]   Wis. Stat. § 6.84(2)

raises questions regarding the fairness of the process and the possibility for voter fraud that might not otherwise be detected. It seems clear that voters abandoned the rules for voting indefinitely confined, drop boxes were used, at least one ballot harvesting event was conducted without statutory authorization, absentee balloting in nursing homes was conducted contrary to law, ballots were cured without authorization, and voter rolls were not accurately maintained as required by state and federal law.

Additionally, it is possible that even lawful processes might not ensure evenhandedness or provide adequate protection against fraud. **We found that certain processes, even if legal, create weaknesses that could be exploited for fraudulent purposes. We found areas in which processes are not secure, and that reasonable reforms might make such exploitation less likely without unduly burdening the right to vote.** Although there may be little evidence that these vulnerabilities were exploited in 2020, reform is no less imperative. If you determined that your bank account was vulnerable to fraud, you would not decline to address that vulnerability because no money had been stolen yet. The security of the election was undermined by lax laws regarding indefinitely confined voter status, inconsistent drop box use, and failure to contact voters who failed DMV tests.

Finally, we found that private funding of election operations had a partisan bias and impact.

A summary of our more particular findings is as follows.

SUMMARY OF FINDINGS

We found limited instances in which ineligible persons voted or attempted to cast ballots.

This review uncovered approximately 300 instances where ineligible voters cast ballots or attempted to cast ballots. This appears to occur every election. However, prosecutors rarely prosecute these cases and, as a result, it gives the impression that the problem is not significant. All ineligible votes should be investigated and prosecuted. The historical failure to do so contributes to the current mistrust in election results.

We identified 130 voters across the state of Wisconsin who were flagged by Registration List Alerts for being a felon, but nonetheless cast a ballot in the November election. This number may differ from the 147 reported by WEC because WILL only requested alerts for the years 2020 and 2021, and someone flagged earlier would not be included in the count.

We identified 42 ballots cast, statewide, by deceased voters. Nearly all were properly rejected by local clerks. There are two instances where a possibly deceased voter had their ballot counted.

We found no evidence of more than one vote being cast in the name of the same voter. However, we should note our review was limited to the state of Wisconsin, meaning that someone could, theoretically, have voted in another state.

This review identified 129 instances of individuals voting from commercial addresses. All of these addresses were post offices or mailing centers. Using a PO Box to register to vote is unlawful under Wisconsin law.

There is no evidence of significant problems with voting machines.

Donald Trump won communities that used Dominion voting machines with 57.2%, an increase from 2016. WILL could not access voting machines as a part of this review, but we did model the various machines to evaluate their effect on the outcome of the election. Just 14.7% of Wisconsin jurisdictions employ the Dominion voting machines, maligned by many as a culprit in changing votes for Joe Biden.

- *WILL's review found that jurisdictions that used Dominion voting machines had no effect on the expected vote total.* Our analysis found Democrats actually did worse than expected in areas that used Dominion machines.

There were a significant number of ballots cast in the 2020 election through methods that do not meet statutory requirements or statutory intent.

As recently confirmed by the Legislative Audit Bureau, the widespread adoption of absentee ballot drop boxes, encouraged by the Wisconsin Elections Commission (WEC), runs afoul of state law requirements for the collection of absentee ballots.

This widespread adoption of absentee ballot drop boxes, not provided for under Wisconsin law, was correlated with an increase of about 20,000 votes for Joe Biden, while having no significant effect on the vote for Trump. WILL does not claim that the voters who used drop boxes were ineligible voters or should have had their votes rejected. But the *ad hoc* adoption of absentee ballot drop boxes without established rules, parameters, or security presents an election vulnerability and a challenge to state law.

More than 265,000 Wisconsin voters adopted the 'indefinitely confined' status, meaning they received an absentee ballot and were exempt from the statewide photo ID requirements. The number of indefinitely confined voters increased from 66,611 in 2016 to 265,979 in 2020. While certain local clerks initially said that COVID might render voters indefinitely confined, the state Supreme Court has said otherwise. Given the substantial increase in the number of such voters, it is almost certain that many voters improperly claimed "indefinitely confined status."

- *Many of these votes were cast unlawfully.* Additionally, clerks in Dane and Milwaukee counties used the presence of the pandemic to encourage voters to adopt an uncommon status called "indefinitely confined." The Wisconsin Supreme Court unanimously rebuked the Dane County clerk for encouraging voters to adopt this status in March 2020. In November, it confirmed that a person who did not wish to leave home due to the pandemic was not "indefinitely confined." Only those voters who are indefinitely confined "because of age, physical illness, or infirmity, or is disabled for an indefinite period" qualify. Fear of

contracting a disease (such as COVID) does not qualify.* It is unlikely that there was a fourfold increase in voters who met this requirement. It is virtually certain that Wisconsin voters misused this status in 2020.

- ***The votes cast by 'indefinitely confined' voters raise a number of red flags.*** While we cannot infer any malignant intent on the part of these voters, this means that many votes were cast without the requirement of photo identification. 54,259 ballots were cast by individuals who have never shown a voter ID in any election. 3,718 were cast from addresses that were on the 2019 Mover's List. 7,747 failed their DMV check when they registered.

Voter rolls were not properly maintained.

State and federal law requires Wisconsin to maintain accurate voter rolls. But the Wisconsin Elections Commission and local clerks refused to take the required steps in 2020 to remove outdated and inaccurate voter registrations—resulting in tens of thousands of active voter registrations tied to old addresses. Maintaining accurate voter registrations is a foundation of election administration and a critical bulwark against fraud. The Federal Help America Vote Act (HAVA), passed in 2002, requires each state to have "a system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters." And state law requires election officials, upon receipt of reliable information, to take steps to notify the voter, allow them to confirm their address, and remove their registration if there is no response. Instead, the 2020 election in Wisconsin occurred with tens of thousands of active voter registrations connected to individuals who moved.

We attempted to compel WEC to maintain these lists with respect to movers.† The Court held that local clerks and not WEC had the responsibility to do this. Because WEC now maintains the voter rolls, nothing happened. The Court's decision had the practical effect of rendering the legal duty illusory.

Thousands of votes were cast by individuals remaining on the active Mover's List. 5,329 voters voted in the election from their old address, and 13,757 voted from a new address while in active mover status. Once again, while not every one of these votes may be illegal, it is vital for election security that we know who voters are and where they live.

We found that 23,361 Wisconsin voters in 2020 cast ballots despite failing their DMV check this year, meaning their name, address, and/or birthdate doesn't match what is on file with the Department of Motor Vehicles (DMV). 4,885 voters cast ballots with a driver's license number that does not exist in the DMV system. 16,595 had names or date of birth did not match the DMV system. Democratic-leaning counties were disproportionately represented among DMV checks.

We found that 31,664 Wisconsin voters were in the National Change of Address Database. Among the subset where a new address was known, 7,151 moved to an address in a different state.

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*   <u>Jefferson v. Dane Cty.</u>, 2020 WI 90, 394 Wis. 2d 602, 951 N.W.2d 556.

†   State ex rel. Zignego v. Wisconsin Elections Comm'n, 2021 WI 32, ¶6, 396 Wis. 2d 391, 957 N.W.2d 208.

It is still not possible to infer fraud solely from these unlawfully cast votes or failure to maintain voter rolls.

There isn't much, if any, evidence that these voters did anything intentionally wrong (in many instances, they seem to have relied on the advice of election officials) and one might conclude—whether as a matter of law, fairness, or political survival—that it would be unreasonable to throw out their ballots.

But, as explained above, statutory law states that absentee ballot requirements should be rigorously followed.* As noted above, the Supreme Court declined to rule that these ballots need not be counted, but that finding was premised on the failure of the Trump campaign to object to the challenged practices prior to the election. The failure of a candidate to object—which may be product of strategic calculation—does not mean that there is "nothing to see here."

It is unclear whether, had these ballots been disqualified, the results of the election would have changed. It is not possible to know who these legally questionable votes were cast for and moreover, votes would have to be withdrawn pursuant to Wisconsin's "drawdown" method.† Given the location of the votes it may be more likely than not that, depending on which ballots were thought to be unlawfully cast, that Trump would have wound up the winner.‡ But because the Wisconsin Supreme Court declined to disqualify any challenged votes based on the doctrine of laches, we cannot know this for certain.

We do believe that a coordinated effort to exploit the weaknesses created by this failure to follow the law would likely have resulted in some discernable anomaly. If, for example, absentee ballots were being requested, and cast, by someone other than the voter in large numbers, it seems probable that there would be multiple votes attempted to be cast in the name of a single person since a fraudster could not be certain the legitimate voter would not attempt to cast their own ballot.

But the possibility cannot be excluded. While the fact that something "could have" happened is not evidence that it did, failure to follow the required procedures raises the possibility of fraud and undercuts confidence in the results.

Local practices were not uniform and, in some cases, may not have followed the law.

This review identified several practices by local election officials that are not uniform, and raise concerns about fair and equal treatment. While elections are largely decentralized in Wisconsin, every effort should be made to provide voters with equal access and treatment. But in-person absentee voting hours

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*   Wis. Stat. § 6.84.

†   Under a recount, if the Board of Canvassers determines that any absentee ballot certificate envelopes are defective, they would conduct a drawdown of ballots that matches the number of defective certificates. Under a drawdown, the board would select randomly from a pool of probable absentee ballots and the overall vote would decrease by that amount. See Wisconsin Elections Commission's Election Recount Procedures Manual. Wisconsin Elections Commission. November 2020. *Election Recount Procedures.* https://elections.wi.gov/sites/elections.wi.gov/files/2020-11/Recount%20Manual%20Final%20%2811-2020%29%20highlight.pdf.

‡   On the other hand, someone seeking to generate fraudulent votes for a candidate would not necessarily do so in that candidate's traditional strongholds.

can differ from municipality to municipality,* and election officials seem to be rejecting ballots or fixing them (curing) without much consistency. Legislative efforts should be made to ensure these practices are the same in every corner of the state.

Absentee ballot rejection rates were substantially lower in 2020 than in previous presidential elections. When voters cast absentee ballots, some percentage are expected to be rejected as a result of mistakes or missing information. But rejection rates for the 2020 presidential election were substantially lower than previous years. Either voters improved their capacity to avoid mistakes, or, more likely, election officials deliberately made efforts to ensure ballots were not rejected.

Due to the partisan split in absentee voting, WILL estimates that if absentee ballot rejection rates were similar to the rates in 2016, the final election margin would have narrowed by 6,000 votes - making a very close election even closer. While it should be noted that absentee ballot rejection rates do not appear to vary based on community partisanship, this outcome flows from the partisan skew in the use of absentee ballots.

State law provides no legal authority for local election officials to fix, or "cure," defects, mistakes, or missing information on absentee ballots. But the Wisconsin Elections Commission (WEC) said they could—resulting in some municipalities curing ballots while others did not. As a result of WEC's lawless advice to local officials, no standard practices were employed to cure ballots. WILL found high rates of ballot curing in Green Bay and Racine, but not all communities used consistent practices to make clear which ballots were cured, making it impossible to determine how widespread the practice was in 2020. This created an environment where incomplete or defective absentee ballots may or may not be cured and counted as a result of where the ballot was cast.

While there is a pre-determined allowable number of days available for in-person absentee voting applied statewide, there is no uniform standard of hours available for in-person absentee voting. In general, smaller cities will have fewer hours available than larger cities. Just like on election day, the hours and days for in-personal absentee voting should be made standard and uniform. Although this did not result in a greater percentage of votes coming from urban areas, it does reveal an imbalance in the opportunity to vote and may skewed the vote totals.

The Wisconsin Elections Commission unlawfully suspended the use of Special Voting Deputies for nursing homes and assisted living facilities in 2020—shrugging off standards in state law for the distribution and collection of absentee ballots in those settings. WILL surveyed 35 Wisconsin communities and found just two could provide records for use of Special Voting Deputies in 2020.

Private funding disproportionately benefitted Democrats.

Private grants for election administration from the Center for Technology and Civic Life (CTCL), a non-profit largely funded by Facebook founder Mark Zuckerberg and his wife, resulted in

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*   For the purposes of this review, references to municipalities include cities, villages and towns.

an increase in turnout in five Wisconsin cities—all voting heavily for Democrat Joe Biden.
CTCL distributed more than $10 million to Wisconsin cities and municipalities in 2020 to assist with
election administration and voter education during the pandemic. 86% of the funds were distributed to five
Wisconsin cities: Milwaukee, Madison, Green Bay, Kenosha, and Racine.

**A statistical analysis finds significant increases in turnout for Democrats, approximately 8,000
votes statewide, as a result of the distribution of CTCL grants.** Specifically, Biden's vote increased by
about 41 votes per municipality in cities that received CTCL grants relative to those that did not over 2016.
No statistically significant effect was found for Trump.

The results were not anomalous.

We began assessing the 2020 election by asking whether there were external signs of irregular activity. We
looked for any inconsistencies that suggested fraud, or failure to fully and accurately tabulate the results. Our
conclusion is that there is no indication the results are anomalous.

**The high 2020 statewide turnout in Wisconsin (72.3%) was not abnormal. It was the turnout in 2016
that was unusually low.** The 2016 presidential election in Wisconsin had the lowest statewide turnout
since 2000 with just 67.34%. The increased turnout between 2016 and 2020, for both candidates, made the
election feel like an abnormal swing. But it falls short of 2004 when turnout hit 72.9%. Even in 2012, turnout
exceeded 70%.

**In general, the 2020 election in Wisconsin aligned with long-term statewide and national trends
of Democratic gains in the cities and suburbs, coupled with increased Republican margins in rural
areas.** A high-level review of the election results finds consistent demographic patterns and trends.

**Joe Biden overperformed Democratic congressional candidates, while Trump underperformed
Republican congressional candidates.** Biden received 64,434 more votes than Democratic congressional
candidates in the state. On the flip side, Trump underperformed Republican congressional candidates in
the state by 51,215 votes. Trump also underperformed in 2016 but by more votes. Biden reversed Hillary
Clinton's 2016 underperformance. While some believe the "Biden only" votes are a sign of fraud, we found no
evidence to support this.

2020 was a return to more conventional levels of write-in and third-party voting. In 2016,
Wisconsin voters cast 186,000 write-in and third-party votes — an unusually high number. Some regard the
absence of such votes in 2020 as suspicious. While it is possible that keeping the Green Party candidate off
the ballot benefited Joe Biden, the 2020 election returned to relatively normal levels of write-in and third-
party voting.

**The number of registered voters in Wisconsin exceeded November 2020 turnout in every month
of 2020.** In the aftermath of the election, some alleged that there more votes cast in Wisconsin than
registered voters. This is not accurate for any month in 2020. ***There were not more votes than registered voters.***

A WILL poll of 2,000 absentee voters revealed a strong partisan split in absentee voting preference. Among those expressing a preference for one of the two major parties, only 27.4% of the sample identified as Republican, while 72.6% of the sample that identified as Democrats.

Our poll found a surprisingly high percentage of respondents who say they did not request absentee ballots. A higher percentage of Republicans than Democrats claim they did not request an absentee ballot than of Democrats. Most of those who said they did not request absentee ballots appear to have voted. **We could not conclude that this is evidence of fraud, but neither can we exclude it.**

The number of absentee ballots counted on election night in Milwaukee is consistent with what was reported to be outstanding. Despite frustration and suspicion about Milwaukee "ballot dumps," the existence of the votes and the percentage that went for Joe Biden (about 85.7%) appear to be plausible. **Put simply, there was no unexplained "ballot dump."**

Just 199 federal-only ballots, available to individuals who have lived in Wisconsin less than 28 days, were cast in the 2020 election. Some speculated that an uptick in federal-only ballots could indicate fraudulent or ineligible votes. But the number of federal-only ballots was relatively small and showed no pattern in the partisanship of the communities they where they were cast.

An examination of a sampling of ballots revealed few problems.

A close review, including a hand count of roughly 20,000 ballots from 20 wards, uncovered no evidence of fraudulent ballots or widespread voter fraud. While it was not possible to examine over three million ballots, we did closely investigate specific wards. The wards selected had results that stood out in some way from previous elections. After determining which wards to review, we physically viewed and recounted selected ballots.

Three statistical models identified three Wisconsin wards with unusual vote totals. Additionally, WILL selected 17 wards for review due to their large vote shifts between 2016 and 2020.

Our hand review found that the counts closely matched those reported by the Wisconsin Elections Commission (WEC). The review found no evidence of fraudulent ballots. The wards WILL reviewed came from: Milwaukee, Madison, Green Bay, Fox Crossing, Mequon, Waukesha, and West Bend.

In many of the wards examined, WILL found a significant number of voters who voted for Biden and a Republican for Congress, while far fewer voters split the other way. This is consistent with the explanation that a key driver of Trump's loss was a segment of traditional Republican voters choosing not to support him.

A review of 5,800 pages of election inspector statements, a formal procedure for poll workers to document key election statistics and incidents, revealed few issues. WILL specifically reviewed selected wards in Green Bay because of a high number of damaged ballots that were recreated. We examined both original and recreated ballots to ensure they matched, and found limited instances of unmatched ballots.

Election Security

INELIGIBLE VOTERS

WEC regularly sends municipalities a list of voters who should be removed from the voting rolls for a number of reasons—they have either committed a felony, have passed away, or the registration is duplicated (alerts are also sent when a felon completes their probation and has their voting rights restored). It is then incumbent on local clerks to verify this information and then inactivate that voter. In order to identify any potential illegal voters, WILL compared the list of voter IDs that have existing Registration List Alerts with the list of individuals who cast a vote in the 2020 Election.

Felon Voters

Under Wisconsin law, it is illegal for individuals with felony convictions to vote until the full completion of their sentences (including any period of incarceration or probation, and any period of parole and/or extended supervision). Wis. Stat. § § 6.03(1)(b). Despite this law, felons regularly vote in Wisconsin.

Wis. Stat. §6.56(3m) requires WEC to determine whether any felons have cast illegal ballots, as soon as possible after an election. To do so, WEC compares a list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time of the election against the list of individuals who voted. After review by the DOC, the relevant municipal clerk, and WEC, referrals are made to county district attorneys. To determine the veracity of WEC's registration list alert system, WILL requested a list of all felons on parole, probation, or community service between November 1, 2020, and November 5, 2020, from the DOC. As of the completion of this report, WILL has not received this list or a response from DOC.

From the 2010 general election through the 2019 spring election, 150 cases of votes by ineligible felons have been identified by WEC and referred to county district attorneys. WEC is still in the process of reviewing 28 such cases in the 2020 spring and primary elections, and 147 potential cases of such fraud in the 2020 general election.[3]

WILL identified 130 voters across the state of Wisconsin who were flagged by Registration List Alerts for being a felon but cast a ballot in the November election. This number may differ slightly from that reported by WEC (147 noted above) because WILL only requested alerts for the years 2020 and 2021. Due to common names and lack of access to birthdates, it is difficult to do a thorough analysis. However, by analyzing state records, we were able to determine that a number of these voters likely came off parole between the date of the last Registration List Alert and Election Day. That would indicate that they may have re-registered legally. (Recall that Wisconsin law allows a felon to vote after finishing their sentence and parole period.) Arriving at a fully accurate count of voters who were ineligible as felons is beyond the scope of this report.

But despite these precautions, felons regularly vote in Wisconsin, albeit on a small scale.[4] Assuming WEC's system is reasonably accurate, these illegal votes would not alter the outcome in many, if any, elections. However, knowing that fraud occurs when preventative measures are taken makes it evident that vulnerabilities likely exist in other areas of the voting process.

<u>Deceased Voters</u>

Votes cast on behalf of individuals who have passed away are a reality in Wisconsin. As mentioned as part of an earlier analysis, WILL received a list of would-be voters who had their ballot rejected from WEC. This list includes a code for voters who had their vote removed due to passing away prior to election day. WEC acquires the list of death certificates from the Wisconsin Department of Health and checks the names against the voter file.[5] When looking for potential curious activity, a buffer needs to be established to account for the possibility that someone passed away after their ballot was mailed out. For this analysis, seven days was used as the minimum threshold.

WILL identified 40 voters whose ballots were received by elections officials a week or more after they died and were later rejected by the municipality. While a number of these may have been innocuous due to mailing delays, the time frame on some is curious. The oldest would-be voter on this list appears to have passed away in June of 2019—more than a year prior to the election—but had an absentee ballot returned in his name on October 5th, 2020. Others passed away as early as April or June. Twelve of these voters utilized a Special Voting Deputy (SVD)—an individual approved to help old and enfeebled voters cast their ballot. Some of these SVDs returned the ballot early on in the process, but at least three returned the ballot in early November after the voter had passed away.

WILL requested the signed portion of the absentee ballot, ID, and voter registration for these voters. The goal was to determine if any of the flagged votes were cast illegally. To do this we compared the date signed on the absentee ballot envelope to the date of their death. If records showed that the person had passed way prior to the date signed on their ballot, it would indicate that a vote was likely cast fraudulently.

To determine whether it was the deceased voter who cast a ballot, we also attempted to match signatures using two of the documents above. Signature checks were only possible for eight of the deceased voters. For these voters the signatures appeared to match, and they appeared to have signed the envelope prior to their date of death. This caused these votes to be rejected. WILL received the remaining 32 ballots without the ballot envelope, which prevented us from comparing the signature date located on the outside envelope with the death records. While this initially appeared to be an oversight, we learned that many clerks did not open the envelopes if they were notified of the voter's death. Upon notification that a voter was deceased, the closed ballot envelope was simply rejected.

While these votes were not counted, these near misses highlight the importance of maintaining up-to-date voter lists to prevent deceased voters from counting in future elections, whether by accident or attempted fraud. They also suggest a need for local prosecutors to investigate how and why some votes were mailed in long after individuals had passed away.

WILL also identified five voters who were flagged by WEC as having passed away but appear to have had their vote counted anyway. In three of these instances, the municipality declined to remove the voter—possibly having reason to believe they were still alive. In two other cases, the voter apparently cast a ballot despite the municipality agreeing that they were deceased.

WILL requested the same information (registration, ID, and absentee ballot envelope) from the two deceased voters who appeared to have actually voted. The first deceased voter cast a ballot in Rock County. Their ballot was signed on September 22, 2020, and they passed away, according to their obituary, on September 26, 2020.* However, according to the Rock County clerk, their ballot was counted because poll books can be printed 20 days prior to the election and at that time they had not been notified of his death.

The second deceased voter, from Racine County, passed away in September of 2020 and appears to have had their vote counted. WILL received a copy of their photo ID from the municipality, but since they had registered to vote there over 30 years ago, they no longer possess a copy of his voter registration. WILL requested his absentee ballot envelope from the Racine County Clerk on June 22 and received an email from the legal counsel in the county office saying that she is not the custodian of those records, but they are in the process of locating them. WILL was subsequently informed by the legal office that two voters shared the same name and lived nearby each other. They believe that WEC incorrectly flagged this voter. Table 1 highlights these two voters.

The Legislative Audit Bureau (LAB) Election Administration Audit[6] (henceforth, the "LAB Audit") identified 11 potentially deceased voters in the state, possibly due to more up-to-date data. In either case, the issue of deceased voters does not seem to be widespread enough to affect electoral outcomes.

Table 1. Deceased Voters

Location (Approximate Age)	Month Passed Away	Information
Rock County (81)	September 2020	WILL requested election documents. WILL received his registration information June 17th. However, the county has yet to provide full documentation needed to assess who cast the ballot.
Racine County (69)	September 2020	From election officials, WILL confirmed that this individual submitted a ballot prior to passing away. The vote, which should have been rejected, was confirmed to be counted by the municipality.

Commercial Addresses

WILL checked for addresses flagged as commercial using a private mail service with the capability of labeling such addresses. This database identified 129 voters throughout the state of Wisconsin who used a commercial address for their home address. All addresses were United States Post Office locations or private mail delivery services (such as FedEx stores). While a voter may not register from a commercial address, the use of such an address raises the specter of fraud.

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*   State law states that if someone casts a ballot before their death, but the date of death is prior to the election, the ballot should not be counted. Wis. Stat. § 6.21.

This seems to be a relatively common problem in the state. In June, the La Crosse County District Attorney evaluated whether to charge 22 individuals who had registered to vote at a local UPS Store.[7] The prosecutor determined that all of these individuals were legitimate Wisconsin voters and declined to file charges.

VOTING MACHINES

After the election, those questioning the official results attacked the reliability of voting machines. For example, Trump lawyer Rudy Giuliani characterized one company, Dominion Voting Systems, as "a foreign company that is owned by Venezuelans who were close to Chavez and are now close to Maduro, and they are extremely hackable."[8] Dominion's own subsequent (and currently pending) defamation lawsuits seeking $4.2 billion in damages testify to the damage these criticisms have done to voter confidence and the salience of examining these claims and systems. Though WILL does not have direct access to voting equipment, public information can be studied to judge these claims.

First, some perspective: there are several different types of vote tabulators used by cities, villages, and towns across Wisconsin.* The bar graph in Figure 1 shows the frequency of the use of the seven different types of tabulating in different jurisdictions, using data gathered from WEC.[9] ("None," as used for 36% of jurisdictions, means that ballots are counted by hand, as confirmed by email correspondence with a WEC official.)

Figure 1. How Many Jurisdictions Use Different Voting Tabulators?

Tabulator	Count
ES&S DS200	676
None	672
Dominion Voting - ImageCast Evolution (ICE)	274
Sequoia Voting - Optech Insight	129
ClearCount 2.0.1	59
ES&S M100	48
ES&S DS200/ES&S DS850	1

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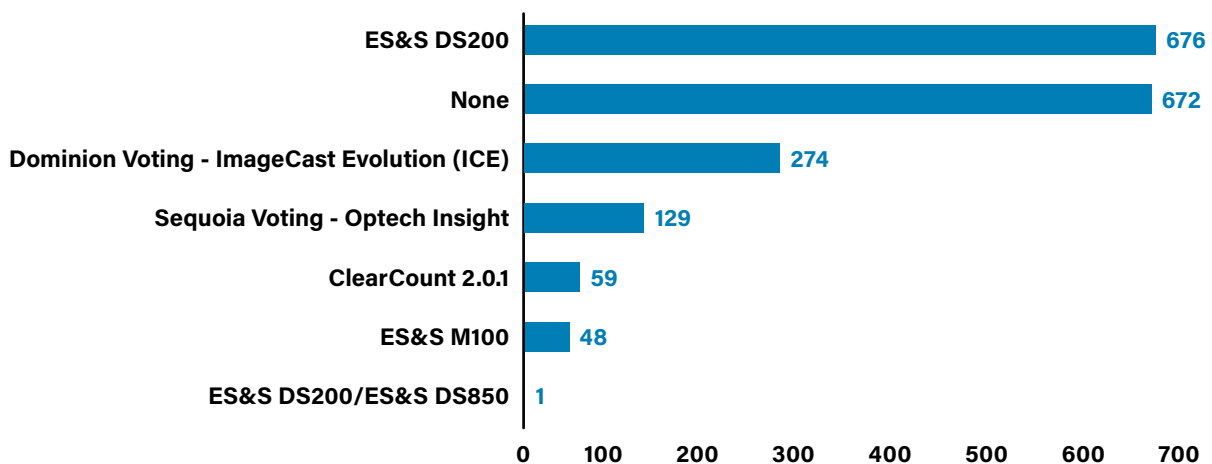
*   "Per Wis. Stat. §5.40(1), the only municipalities in Wisconsin required to use electronic voting equipment are those with a population of 7,500 or more. Any municipality with a population of fewer than 7,500 may opt to utilize hand count paper ballots and a traditional ballot box. (Wis. Stat. §5.40(3)). These smaller municipalities are allowed to use electronic tabulation equipment if they so choose but are not required to do so. Despite the different rules for Wisconsin municipalities depending on whether they are +/- 7,500, they are all required to have at least one piece of accessible equipment on hand at each polling place for every election. (52 USC §21081(a)(3)(B) and HAVA §301(a)(3)(A))." Email Correspondence with WEC, September 13, 2021.

It is worth noting that Dominion machines (the most maligned) are used in a mere 14.7% of jurisdictions, though this point will be revisited soon. Assessing the use of machines generally, WILL can model the effect (or lack thereof) of the presence of voting machines on partisan turnout and can also review WEC's in-house procedures for guaranteeing the reliability of voting systems.

Analysis of All Voting Machines

Below is an analytic assessment of Trump's performance in jurisdictions where voting machines were used, compared to those where ballots were hand-counted. To check the veracity of these claims in Wisconsin, WILL gathered data from WEC on the municipalities throughout the state that used machines. If machines were altering (either due to the manufacturer or hackers) outcomes to favor Democrats, WILL would expect that turnout for Joe Biden would have increased more in jurisdictions that use machines than in those that do not. The dependent variable in this analysis is the turnout change between 2016 and 2020 for the Democratic and Republican presidential candidates. WILL also accounts for the share of residents that are African American, the percentage of residents that are low income, and the size of the municipality.* The results of this analysis are depicted in Table 2.

Table 2. Strength of All Voting Machines on Partisan Turnout

VARIABLES	(1) Δ Republican Vote	(2) Δ Democratic Vote
Same Party Vote '16	0.119***	-0.0847***
	(0.00491)	(0.00433)
All Machines	-2.950	-16.15
	(8.060)	(13.46)
African-American	-3.629***	13.79***
	(1.184)	(2.038)
Income	0.00143***	0.00549***
	(0.000488)	(0.000798)
Constant	-340.8***	3,813***
	(77.27)	(108.8)

Observations	1,817	1,817
R-squared	0.637	0.828

Other variables work as might be expected. For example, as the share of African American voters increased, the share of the vote for Joe Biden increased. But it turns out that there is no discernible statistical relationship between the use of voting machines and turnout change for Democrats or Republicans.

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* The municipality size variable is not displayed for ease of reading. The inclusion or exclusion of this variable does not substantively change the results.

Analysis of Dominion Voting Systems

Of course, Dominion machines were particularly accused of altering outcomes. Might it be, then, that only Dominion machines (used in just 14.7% of civil divisions) were culpable for influencing the outcome? This report considered an identical analysis isolating Dominion machines in the machine variable as reported in Table 3.

Table 3. Strength of Dominion Machines and Other Variables on Turnout

VARIABLES	(1) Δ Republican Vote	(2) Δ Democratic Vote
Same Party Vote '16	0.119***	-0.0849***
	(0.00492)	(0.00433)
Dominion Machines	-0.378	-29.96**
	(9.158)	(15.25)
African-American	-3.673***	13.48***
	(1.179)	(2.029)
Income	0.00136***	0.00518***
	(0.000446)	(0.000728)
Constant	-339.9***	3,823***
	(77.28)	(108.6)

Observations	1,817	1,817
R-squared	0.637	0.828

Again, other variables work as might be expected. But the variable of interest, Dominion machines, is insignificant or negative in the case of both parties. Indeed, the coefficient is significantly negative for Democrats—indicating that Democrats *did slightly worse* in areas with Dominion tabulators, with other variables holding constant. This report finds no evidence of a positive vote shift caused by Dominion machines.

More perspective: while these machines created a great deal of controversy, it is important to note that Dominion tabulators are not used in the most Democratic areas of the state, such as Milwaukee and Madison. In fact, this review of statewide election results found that Trump won municipalities that used Dominion tabulators with 57.2% of the vote in 2020. This was an increase from 2016, where Trump received 55.7% of the vote in those same communities.* Figure 2 highlights Wisconsin counties by Dominion usage according to WEC data.[10]

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*   Author calculations using publicly available data: see endnote xv; Wisconsin Elections Commission. (November 8, 2016). "2016 Fall General Election Results." *https://elections.wi.gov/elections-voting/results/2016/fall-general*; and Wisconsin Elections Commission. (November 3, 2020). "2020 Fall General Election Results." *https://elections.wi.gov/elections-voting/results/2020/fall-general*.

Figure 2. Dominion Voting Machines Usage by County

Uses Dominion exclusively or overwhelmingly

Uses Dominion about as often as they use other systems

Uses Dominion rarely (i.e. in five or fewer civil divisions)

Does not use Dominion systems at all
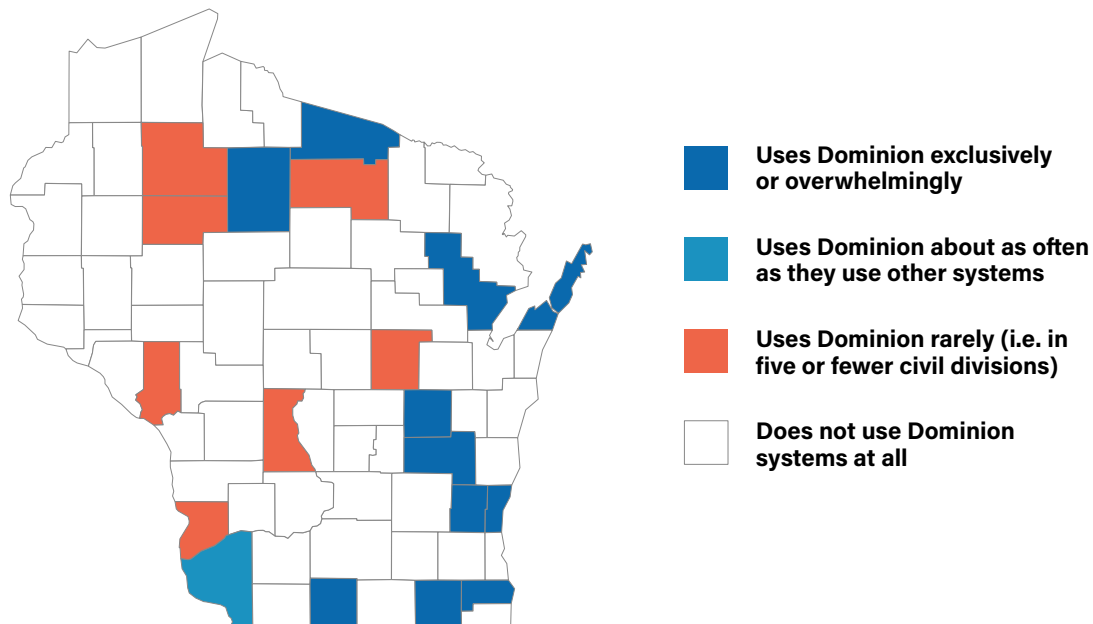
On average, Trump improved his vote total by 154.29 votes in wards that used Dominion machines compared to 98 in wards that did not. Despite the small sample size of Dominion wards, this difference is statistically significant in a T-test. Given Trump's improvement in Dominion wards, this report finds no reason to suspect that anything untoward occurred with these machines in Wisconsin.

Statewide Auditing Practices

There is another way to investigate the reliability of voting machines: though WILL does not have access to voting machines to directly inspect them for reliability or vulnerability, WEC directs audits on each voting system used in Wisconsin.[*] As per WEC's instructions, these audits take place after the election in question and consist of "two independent hand-tallies of ballots tabulated by electronic voting systems. The results of the hand-count are verified against the results report produced by the voting system . . . If a piece of equipment did not meet standards (which has never happened since audits began in 2006), the Elections Commission could order the municipality or county with defective equipment to take remedial action (such as purchasing new equipment)."[11]

WEC's audits are designed to be widely encompassing across the state. Criteria published for post-election audits on October 13, 2020, specified that "The sample size of reporting units selected for auditing will be at least 5% of reporting units statewide . . . At least one audit will be conducted in each of Wisconsin's

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[*]   Wis. Stat. § 7.08 (6).

72 counties . . . Municipalities selected as part of the audit will be chosen at random by Commission staff on November 4, 2020. Selected municipalities will be informed no later than November 5, 2020."[12]

For the 2020 general election, WEC conducted audits on the eight types of vote tabulators used in Wisconsin, recounting a grand total of 145,100 ballots.[13] The most interesting finding comes from the City of Oshkosh, Ward 23A, where "Their audit identified a discrepancy of 21 votes in the State Senate District 18 contest between the machine totals from election night and the audit totals. The hand tally during the audit indicated an increase of 12 votes for [Democratic] candidate Aaron Wojciechowski and an increase of 9 votes for [Republican] candidate [and ultimate victor] Dan Feyen." This discrepancy appeared among absentee ballots due to some having been folded and creased. This presented a line of shadow to Dominion's optical scan equipment right over the blank for a write-in candidate, which the machine interpreted as an overvote and refused to count. (WEC's audit proceeds to propose amendments to certification to prevent this problem in the future.) Even though WEC is careful to articulate that "The concerns identified in this report do not represent programming errors, unauthorized alterations or 'hacking' of voting equipment software or malfunctions of voting equipment that altered the outcome of any races on the ballot," this mistake and its pro-GOP slant should bolster the belief that these machines are processing the ballots they are given according to their un-hacked programming— "warts and all," so to speak.

Overall, the scheduled audits, with their expansive scope, recounting votes equal to seven times Biden's margin of victory across the state, and reporting on bona fide hiccups in optical recognition, should reinforce confidence that the ballot counting systems of the 2020 election were not compromised, nor would this be an easy thing for a potential hacker to achieve undetected in the future.*

Finally, we did a hand count of nearly 20,000 ballots from wards that were selected due to a set of specified criteria. As noted below, our totals closely matched the machine count in each ward reviewed.

VOTES CAST UNLAWFULLY

In each of the following sections, there are strong arguments that the voting methods allowed by WEC or municipalities violate state law. Of course, this does not mean that each vote cast under these methods was cast by an ineligible or nonexistent voter. We are not claiming that such votes decided the election, or that failure to abide by legal requirements changed the outcome. However, each method leaves open the potential for, and appearance of, impropriety. This is because each ignores some safeguard that was put in place to ensure election integrity. When election officials change the rules mid-game—particularly when the change may have a partisan skew—confidence in the outcome is undermined. The argument that skeptics "can't prove" something was amiss will have a limited impact, just as it did with those who questioned the losses of Al Gore, John Kerry and Stacy Abrams.

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*   Further research into the reliability of Wisconsin's voting machines and the soundness of WEC's policy was done by the Legislative Audit Bureau (LAB). The LAB report makes some marginal policy recommendations but is most relevant here for its summary of personal double-checking of election machine checks that had been done, offering more evidence for their trustworthiness.

Indefinitely Confined Voters

Under Wis. Stat. § 6.86(2)(a) a voter who is indefinitely confined because of age, physical illness, or infirmity, or is disabled for an indefinite period, may, by signing a statement to that effect, apply for and receive an absentee ballot by mail for all future elections.

Although the general rule under Wis. Stat. § 6.87(1) is that voters who cast an absentee ballot must provide qualified voter identification with their absentee ballot, there are exceptions to the general rule. One of the exceptions, as set forth in Wis. Stat. § 6.87(2), is that a voter who qualifies as indefinitely confined under § 6.86(2)(a) does not need to provide Voter ID. The thinking for this seems to be that such voters may lack the ability to upload or copy identification or leave the home to receive assistance to do so.

In 2020, there was a significant increase in voters claiming "indefinitely confined status" for the general election. According to WEC, the number of ballots cast under this status increased from 66,611 for the 2016 general election to 265,979 for 2020 general election, an increase of about 400%.* This increase occurred against the backdrop of a legal controversy.

On March 25, 2020—roughly two weeks before the spring election—the Dane County clerk posted advice "urging all voters who request a ballot and have trouble presenting [ ] valid ID to indicate that they are indefinitely confined." The clerk for Milwaukee County issued a nearly identical declaration later that day. On March 27, WEC "clarified" these declarations stating that the designation is for the individual voter to make and does not require a permanent or disability for a voter to travel outside their own residence. It noted, however, that "[t]he designation is appropriate for electors who are indefinitely confined because of age, physical illness or infirmity or are disabled for an indefinite period" and that "[i]ndefinitely confined status shall not be used by electors simply as a means to avoid the photo ID requirement without regard to whether they are indefinitely confined because of age, physical illness, infirmity or disability." Later that day, the Dane county clerk issued a statement to the effect that WEC "agreed" with him (even though it clearly did not) and stated that voters "should follow this guidance when determining whether they qualify to claim that they are indefinitely confined as a result of the COVID-19 pandemic and declared public health emergency."

The Republican Party then filed a petition for an original action and request for injunctive relief. On March 31, 2020, the Supreme Court granted both and ordered the Dane County clerk to refrain from posting advice in his official capacity, that was inconsistent with WEC's guidance. But it did not address whether the pandemic could render a person "indefinitely confined." Thus, the election proceeded with a relatively clear directive that "indefinitely confined status" could not be used to avoid the photo ID requirement, but no clear statement as to whether fear of COVID or official "stay-at-home" orders (which did not preclude leaving home to vote) might justify indefinitely confined status. As noted above, many voters claimed such status.

The State Supreme Court did not provide additional guidance until after the election.† It then made clear that the designation as indefinitely confined could only be made by the voter and could only be based on

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*   194,544 claimed such status in the spring election, up from 55,344 in the 2016 spring election.

†   *Jefferson v. Dane Cty.*, 2020 WI 90, 394 Wis. 2d 602, 951 N.W.2d 556

the voters *own* age, physical illness or infirmity and "not the age, physical illness or infirmity of another." As such:

> "…A communicable disease such as COVID-19, in and of itself, does not entitle all electors in Wisconsin to obtain an absentee ballot under Wis. Stat. § 6.86(2)(a). Similarly, an emergency order that required all Wisconsinites to remain in their homes except for limited circumstances, standing alone, was not a condition based on age, a physical illness, or an infirmity. Finally, having trouble uploading or providing proof of a photo identification does not permit electors to avoid both the absentee voting laws and the voter identification laws."

It seems likely that many of the 265,979 votes cast by voters who claimed "indefinitely confined status" were improperly cast. Although one might expect to see some additional numbers of such voters who themselves had COVID, the increase here seems too large to account for in this way. The number of active COVID cases in April 2020 was nowhere near enough to begin to account for the increase, and although case counts did increase in October 2020, the idea that there were almost 200,000 active COVID cases of persons on or even around election day by voters who lacked photo ID seems implausible. The most likely conclusion is that many Wisconsin voters claimed indefinitely confined status due to fear of COVID or an inability (or unwillingness) to upload or copy ID.

All 265,979 of these votes were cast without the person casting the ballot being required to show a Voter ID. Figure 3 shows the share of voters in each county who utilized the status per 1,000 registered voters. The data is divided into quartiles, with each color representing 25% of the counties.

Figure 3. Rates of Indefinitely Confined Status by County (Per 1,000 Registered Voters)

■	<60.08
■	60.08-63.70
■	63.70-70.24
■	>70.24
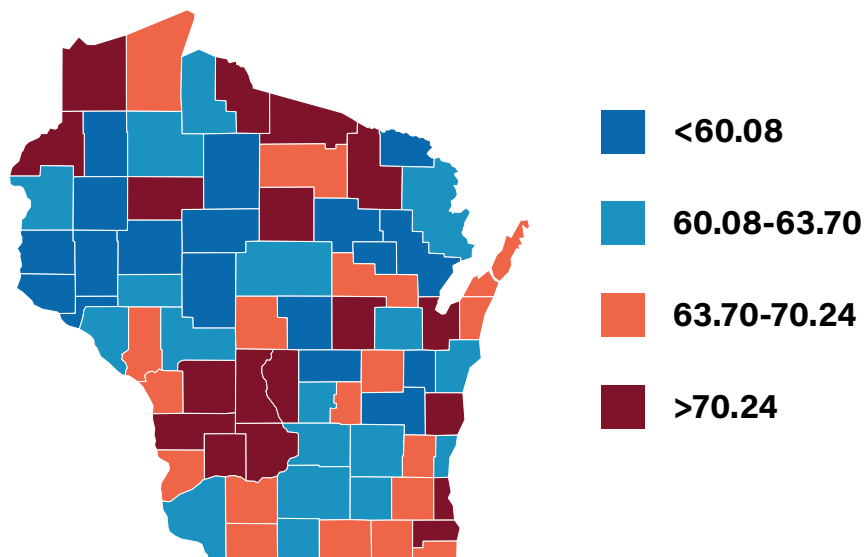
The first point of note is that there is a wide range in the use of indefinitely confined status. The lowest usage county—Menominee—only had about 34 individuals use the status per 1,000 registered voters. The highest

county—Iron—had about 113 people per 1,000 use the status. US Census figures show Iron County had the highest median age in the state at 55.2 years in 2018, possibly explaining the higher usage. Statewide, the average was approximately 66.33 per 1,000 registered voters.

From the map, there appears to be no particular partisan pattern in usage, with the top of the list featuring some conservative-leaning counties like Iron and Waupaca, as well as some liberal-leaning counties like Milwaukee and Douglas. A scatterplot depicted in Figure 4 confirms that impression, below, demonstrating the lack of intelligible relationship between rates of voters claiming "indefinitely confined" status and partisan lean (where indefinitely confined status rates are calculated per total votes cast for president in each county in the 2020 general election, and the partisan lean is calculated as the share of votes cast for Biden out of those cast for either of the two major party candidates; total county population is represented with the size of the dots). The line of best fit visualizes a correlation score of 0.12, on a scale from 0 to 1.0, demonstrating a statistically insignificant relationship.

Figure 4. Partisan Lean vs. Indefinitely Confined Rate by County

Across Wisconsin counties in the 2020 General Election

Population: 200000, 400000, 600000, 800000

Rate of Indefinitely Confined Voters per total votes cast for president (y-axis: 0.02, 0.04, 0.06, 0.08, 0.10)

Share of Vote Captured by Joe Biden
(of votes for the two major party candidates) (x-axis: 0.3, 0.4, 0.5, 0.6, 0.7, 0.8)
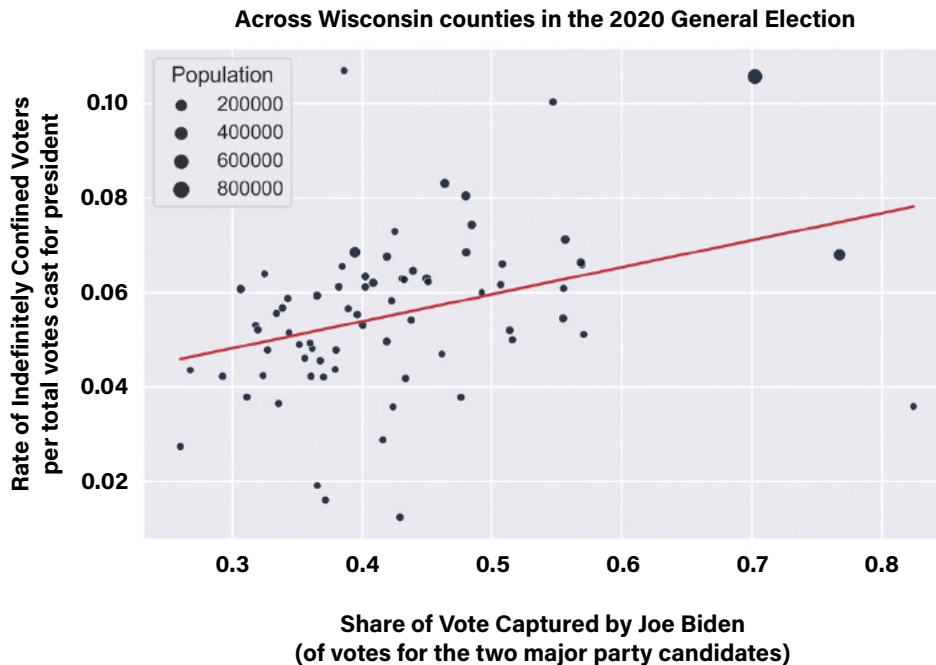
But that does not resolve all concerns. This increase in indefinitely confined status raises serious red flags. Claiming such status permits avoiding compliance with an important security measure that restricts not only voter impersonation, but also the ability to vote based on false registration.* The absence of a geographic pattern that matches partisan preferences does not allay these concerns, because one cannot presume that persons using indefinitely confined status to register for and cast improper votes would do so in the partisan

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*   Because although one can register without ID, a vote cannot be cast without an ID that matches the name on the registration.

stronghold of the candidate they seek to benefit. We matched the sample of indefinitely confined voters to other lists that we acquired from WEC. (1) 54,259 of these ballots were cast by individuals who have never had to produce a Voter ID in any election dating back to 1996. (2) 3,718 were cast from addresses on the 2019 movers list. (3) 7,747 failed their DMV check when they registered.*

Further, 12,726 of these ballots were cast by likely first-time voters, i.e., individuals who have no votes previously recorded in Wisconsin dating back to 1996.† While the 2020 election no doubt generated increased enthusiasm for voting, this is a significant number of new registrants using a status generally reserved for the elderly and those with a disability. It can be hypothesized that if there were fraudulent votes, this group is most likely to represent fraud, because a fraudster would be "creating" a new voter and need not worry about requesting a ballot in the name of an actual voter who might then vote. As noted above, our current system does not have a particularly good way of detecting this. If such voters failed a subsequent DMV check, nothing is done to follow up. One would have to use an address to which a ballot could be returned, but the failure to maintain voters rolls (as well as the possibility that a household could add a voter) means that the fact that someone else is registered at that address would not preclude the return of a ballot. The scheme would be further complicated by the risks that would be presented if "too many ballots" were requested from the same address.

To do this at any scale, might require the cooperation—and silence—of many people. But it would not be possible for indefinitely confined status to mask a number of votes that could be material in a close election. While it is unlikely that there were many fraudulent indefinitely confined voters in 2020, we cannot rule out the possibility that there were some. So we decided to take a closer look.

Survey of Indefinitely Confined Voters

The risk of the indefinitely confined law is that ineligible voters or those who lie about their identity could request absentee ballots and cast a fraudulent vote. If such persons had not voted before, failed a DMV check or moved away, the likelihood that they are not who they claim to be increases, and the chances of identifying the fraudulent activity in the normal course is weakened. WEC would have to carry out spot checks on these voters to confirm their identity and the fact that they voted, which it does not.

So in order to further examine the problem of indefinitely confined voters, we conducted spot checks. WILL commissioned a survey of a random sample of 700 individuals who used the indefinitely confined status for the 2020 election. After confirming the person on the phone as the voter, three additional questions were asked about their voting behavior. The first question was whether the individual voted in the November 2020 election. The results for this question are depicted in the Table 4.

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*   This subset is discussed in more depth in the "HAVA Checks" section of the report.

†   LAB's audit reported that 48,554 individuals who had not previously shown an ID, voted using the indefinitely confined status in the November 2020 election. We are not sure the reason for this discrepancy, but it could be that the datasets differed in how far back they looked.

Table 4. Voting Behavior of Indefinitely Confined Voters

	% (n)
Yes	98.45% (700)
No	1.13% (8)
Don't Know/Unsure	0.28% (2)
Refused	0.14% (1)

Of most concern would be the eight voters who said they did not vote at all. Looking at their individual voting records, it appears six of the eight actually had votes submitted in their name via absentee ballot. If these individuals in fact represent fraudulent votes, this would *work out to approximately 1,800 potentially fraudulent votes using indefinitely confined status statewide.* This would not have changed the results in the presidential election, but dismissing a single course of potential fraud, because it alone could not have changed the result, is a mistake. Multiple courses of wrongdoing have cumulative effects. Each anomaly matters and must be investigated.

To further explore the possibility of fraud, WILL sent open records requests for voter registrations and absentee ballot envelopes for these eight voters, as well as the three who answered "Don't Know/Unsure" or "Refused," to attempt cursory signature matching. While we are not signature experts, examining signatures can provide some evidence as to whether the person polled was likely the voter. For six voters, all relevant materials were received, and staff agreed that voter registration signatures matched those on absentee ballot envelopes. Two voters were reported to have voted in person after all. Two voters had no matching signatures on record (having registered online in at least one case). One jurisdiction did not respond to WILL's request (as of a month and a half after the initial request).

These results do not rule out fraud using indefinitely confined status, but if our results are representative, which we believe them to be, it does provide some evidence that any such fraud was not widespread.

But there is one potential anomaly. Returning to the survey, we also asked voters the means by which they cast their ballot. These results are depicted in the Table 5.

Table 5. Voting Method of Indefinitely Confined Voters

In-person on election day	161 22.64% (161)
Absentee by mail	392 55.13% (392)
In-person before election day	3.94% (28)
Don't Know/Unsure	0.56% (4)
Refused	17.72% (126)

Nearly 23% claim to have voted in-person on election day. There would be nothing wrong with that. It is legal for an individual on the indefinitely confined list to vote in-person. The law on indefinite confinement simply provides a specific method for obtaining an absentee ballot, and does not have any requirements for when or how to cast such a ballot. Moreover, voters in general are allowed to request an absentee ballot and then vote in-person

What is puzzling is that there does not appear to have been widespread voting by persons requesting indefinitely confined status. According to WEC data, only 59 individuals in the entire state who requested a ballot using indefinitely confined status eventually cast a ballot in-person. This is about .0003% of indefinitely confined voters. It appears that some respondents to our survey incorrectly reported how they voted.

Our final question asked indefinitely confined voters if they had requested an absentee ballot for the November election. These results are depicted in Table 6.

Table 6. Absentee Ballot Requests Among Indefinitely Confined Voters

Yes	55.27% (393)
No	23.49% (167)
Don't Know/Unsure	1.55% (11)
Refused	19.69% (140)

It is interesting that a similar percentage to those who said they voted in-person on Election Day said that they had not requested an absentee ballot. However, note that once an individual checks the box to become an indefinitely confined voter, they automatically receive ballots for subsequent elections, as long as they continue to vote. This implies that our survey respondents could have meant that they did not make a request specifically for the 2020 General Election.

This suggests that one possible explanation is that a number of those on the indefinitely confined list received their absentee ballot based upon an earlier request, but did not cast it, preferring to vote in person. It is unlikely, however, that this figure could be as high as 23%. This would be over 60,000 voters—almost the entire universe of indefinitely confined voters in 2016.

Even if this somehow happened, it would not eliminate the discrepancy with WEC's data.

Another explanation would be that many of the respondents to our survey did not vote, but claimed to do so, stating they voted in person. If the 23% were really "nonvoters" —and we cannot say that they are—then some "indefinitely confined" absentee votes were cast by someone else. Indeed, there is a large amount of literature in political science that suggests that reported voting rates in polls are significantly higher than actual turnout.[14] We need to be clear. The suggestion that these respondents were "nonvoters" is speculation based on our

survey's high—and roughly matching—percentage of "indefinitely confined" voters who said they voted in person. It is not the only possible explanation of this discrepancy, but it is a notable and disquieting one.

We still regard the possibility of fraud as unlikely. Requesting an absentee ballot in another person's name through indefinitely confined status would be a risky strategy. The fraudster could not be certain that the individual whose name they requested a ballot for would not register or vote in person. If they did, it would lead to attempts to cast "double" votes. The LAB audit found four instances of double voting in the state, a number too small to have a significant impact on the election results. Thus, our conclusion remains that it is unlikely that "indefinitely confined voter fraud" happened in material numbers.

BALLOT DROP BOXES

Legality of Drop Boxes

Drop boxes are not provided for in Wisconsin law. They are, in fact, illegal. But they were used, and one prominent question in the aftermath of the 2020 election was whether the use of ballot drop boxes had an impact on the outcome of the election. There are several ways in which such boxes could make a difference. The most innocuous way would be by making it easier for people to drop off legal votes. However, even using them for legal voting could taint the results if drop boxes were much more available in areas of strong support for one political party than for the other.

More concerning is the possibility that such drop boxes could be centers for fraudulent practices, such as ballot harvesting, tampering with the boxes themselves, or even casting fraudulent ballots.

Drop boxes for voting were virtually unknown prior to 2020. However, on August 19, 2020, WEC sent a notice addressed to "All Wisconsin Election Officials" authorizing such officials, for the first time in Wisconsin, to install absentee ballot "drop-boxes" and use such drop boxes for the upcoming November 3, 2020, election.[15] WEC specifically stated that "Voters may deposit their ballot in a drop box at any time after they receive it in the mail up to the time of the last ballot collection Election Day. *Ballot drop boxes can be staffed or unstaffed, temporary or permanent* [emphasis added]." Put simply, WEC's guidance established no requirement that municipalities implement adequate security measures for such drop boxes.

Among other things, WEC suggested in its notice that municipalities could: "1) Designate drop boxes or mail slots set up for taxes and public utilities as secure ballot drop locations; 2) Partner with public libraries to use book and media drop slots for ballot collection; 3) Partner with businesses or locations that have already implemented social distancing practices, such as grocery stores and banks." In other words, there were few limitations on the location of drop boxes, and no requirement that they be staffed or monitored.

- *Drop boxes are illegal.* It seems quite clear that drop boxes are not permitted. Wisconsin law does not have any provision authorizing the use of so-called "drop boxes" for absentee ballots. Rather, Wis. Stat. §

6.87(4)(b)1 provides that when voting by absentee ballot, electors must place their ballot in an envelope and that "…The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots." As noted earlier, state law makes clear that absentee ballot procedures must be strictly followed. Placing a ballot in an library receptacle or grocery store is not considered in person delivery to the clerk.

The LAB audit said WEC should have promulgated rules authorizing the use of drop boxes and set minimum standards. We disagree that WEC has the power to authorize the use of drop boxes through the rules process. Neither WEC—nor any other agency—can make a rule simply because it seems like a good idea. To the contrary, the rule must be based on a grant of authority through an act of the legislature, which can be reasonably interpreted as authorizing the rule.[*] A rule cannot authorize what the statute does not permit.[†]

However, LAB's recommendation affirms that, even if drop boxes could be construed as permitted under § 6.87(4)(b)1, they could not be used without the promulgation of a rule that would have involved public notice, comment, and legislative oversight. WEC acted outside of its statutory authority in issuing guidance on the use of drop boxes.

WILL has challenged WEC's power to change the elections laws in this way, and to change the rules and procedures for election administration without the approval of or action by the Wisconsin Legislature. The matter is currently pending in Waukesha County Circuit Court.[‡]

- **_Drop boxes had a partisan impact on turnout._** As part of this report, WILL examined whether WEC's unilateral decision to change the rules for election administration two and a half months before the general election had an impact on the outcome of the election. We found that it did.

There were over 500 ballot drop boxes sites around the state after August 19, 2020.[16] There were 15 drop boxes in Milwaukee alone, 13 of which were at libraries.

Drop Box Effects on Turnout

To evaluate any effect of drop boxes on election outcomes, this data was combined with the turnout change data used in this report's other analyses. An indicator variable was created that takes on a value of "1" in civil divisions that had drop boxes and "0" in all other instances. Control variables were included for the racial composition of the area, median income, and the population of the community.[§]

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[*]   Wis. Stat. § 227.11.

[†]   Wis. Stat. § 227.10(2).

[‡]   _Teigen v. Wisconsin Elections Commission_, No. 21-CV-958 (Waukesha Cty Cir. Ct. 2021).

[§]   Indicator variables for community size were included in the analysis but excluded from the table for ease of reading.

Three separate analyses were conducted: the relationship to the change in overall turnout between 2016 and 2020, to turnout for Joe Biden, and to turnout for Donald Trump. These results are depicted in Table 7.

Table 7. Strength of Variables Modeling Change in Turnout

VARIABLES	(1) ΔTurnout	(2) ΔTurnout, Reps	(3) ΔTurnout, Dems
Drop Boxes	47.53**	5.440	47.58***
	(19.75)	(7.725)	(14.61)
Same Party Turnout '16	0.251***	0.118***	-0.0458***
	(0.0710)	(0.00402)	(0.00451)
African-American	-3.225	-3.328***	11.86***
	(2.993)	(1.164)	(2.267)
Income	0.00676***	0.00134***	0.00458***
	(0.00110)	(0.000436)	(0.000813)
Constant	1,082***	-304.3***	2,663***
	(180.9)	(61.22)	(106.7)
Observations	1,871	1,867	1,867
R-squared	0.472	0.638	0.775

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Overall, drop boxes appear to have increased voter turnout by approximately 48 votes per community relative to similar communities that did not have drop boxes. It seems that most of this turnout benefit went largely to President Biden — the presence of drop boxes increased turnout for Biden by about 48 votes, with no statistically significant effect on support for President Trump. Note that this is the average increase across all of the municipalities with drop boxes — in the largest municipalities, turnout increases may be greater, while they may be smaller in small ones. The results here suggest that drop boxes could have had a significant impact on the election results. Projecting over the number of communities that had drop boxes yields an estimated 20,736 additional votes for Biden as a result of the boxes.

Note that this sort of vote shift does not require any sort of fraud to be committed with the drop boxes themselves. Democratic-leaning communities were more likely to put drop boxes in place than more conservative areas. Table 8 shows the results of a logistic regression of the probability of having drop boxes and the Democratic share of the vote in the community in 2016 with the same control variables as above. Moving from a hypothetical district that was 0% Democrats to one that was 100% Democrats would increase the probability of having a drop box by about 95%.

Table 8. Strength of Variables Increasing Likelihood of Drop Boxes

VARIABLES	(1) Drop Box
Percent Democrat, 2016	3.113***
	(0.566)
Observations	1,858

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Increasing voter turnout is normally considered a good thing, but a state actor taking action that increases turnout for one party and not for the other is problematic—and that is exactly what occurred. Drop boxes were disproportionately located in Democratic areas, and may have increased Democratic turnout by an amount roughly equivalent to the margin in the presidential election.

It is unclear why there was a partisan skew in the distribution of drop boxes. It may have been a policy choice, with largely Republican areas not wanting to "encourage" absentee voting or having a greater concern with ballot security. Some clerks may have wanted to assiduously follow the law, which, as noted above, does not provide for drop boxes. It may be that municipal facilities and other potential locations are more prevalent in urban than more rural areas. It could also be that skewed CTCL funding resulted in more money for drop boxes in Democratic areas.

We understand that some may theorize that Democrats "outsmarted" Republicans by making it easier for their votes to be cast and were able to do this because of the decentralization of election administration.

This may be true. But if WILL is successful in its lawsuit against WEC, it would mean that absentee ballots cast in drop boxes were illegal votes. We can't say so with absolute certainty, but it is possible that votes cast in an illegal manner gave Biden his margin over Trump.

Moreover, an election is a competitive process. It is possible to have many different kinds of rules, but once they are established, the rules should be assiduously followed and applied to both sides.

But were the votes fraudulent in the sense of being cast by someone who was ineligible to vote or tampered with in some way? The bottom line is there is no way to be sure. Drop boxes were largely unmonitored. WILL made open record requests for the "chain of custody" logs for the 50 sample municipalities as part of our election practices audit. Out of the 24 communities in the sample that reported having drop boxes, only 10 reported using chain of custody logs to track absentee ballot pickups.

For those who used them, the logs are completed and signed each time the drop box was emptied and its contents returned to the actual election office. Beyond this, the use and format of chain of custody logs were generally inconsistent across communities that used drop boxes.

The information on these logs varied, though all communities that use one included the location of the drop box, who picked up the ballots, and the date and time of pick up. The City of Brookfield appeared to be the only community that included the number of ballots that were picked up. This is a serious deficiency, as matching votes totals to votes cast is an important part of verifying electoral outcomes. Unless the number of votes in a drop box is fixed, it will always be possible for ballots to be added or removed.

The City of Milwaukee did not record the number of ballots, although its logs were otherwise fairly thorough, including specific information such as arrival and departure times, security seal information, ballot bag lock numbers, and a checklist of tasks that were performed. It also claims its boxes were subject to video monitoring.[17]

While WEC suggested monitoring unstaffed drop boxes there was no requirement to do so. Unmonitored drop boxes can be tampered with in a number of ways. Ballots can be removed or possibly even be altered. It is always difficult to prove a negative, and the mere fact that something cannot be disproved is not evidence that it happened. But the simple fact is that unmonitored and unstaffed drop boxes increase, to some degree, the possibility of tampering.

Similar to WILL's CTCL analysis, this analysis highlights the importance of having uniform standards for drop boxes throughout the state. It is unfair that residents in more liberal areas enjoyed a potential advantage in voting, while more rural, conservative areas were not given the same opportunity. Limiting the number of drop boxes and ensuring that they are well protected are reasonable goals considering this evidence.

MOVED VOTERS

By statute, Wisconsin now participates in what is called the Electronic Registration Information Center ("ERIC"). ERIC is a multi-state cooperative that shares information regarding voter registration. As part of ERIC, Wisconsin receives a report regarding what are sometimes referred to as "Movers." This refers to Wisconsin residents who, in an official government transaction, have reported an address different from their voter registration address. ERIC receives this information for Wisconsinites from several sources, including the U.S. Postal Service and the Wisconsin Department of Motor Vehicles.

Wis. Stat. §6.50(3) requires that upon receipt of reliable information that a registered voter has moved to a location outside of the municipality where he or she is registered, those election officials responsible for maintaining the rolls notify the voter by mail of that information. The voter then has the ability to respond that they have not moved and affirm that they remain at the address on their voter registration. Wisconsin Statute §6.50(3) is very clear as to the election official's duty if a voter does not respond to the notice: "If the elector . . . fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners *shall change the elector's registration from eligible to ineligible status* [emphasis added]." A voter who actually has moved is, of course, required to register at their new address.

In 2019, WEC received a report from the Electronic Registration Information Center ("ERIC") regarding Wisconsin voters who had moved (the "Movers List"). WEC reviewed and vetted that report, and after

determining it was reliable, sent out such notices to approximately 232,579 voters during the week of October 7-11, 2019.

WILL filed a lawsuit requesting that WEC be required to remove the voters at these old addresses, but the Wisconsin Supreme Court ruled that the statutory responsibility to keep the voting rolls clean belongs to local municipal clerks, not to WEC.* While we respectfully disagree with this conclusion, it may have been, at least in part, a function of changes to the statute over time that were imperfectly expressed. Municipal clerks used to maintain the voters rolls, but over time, WEC assumed the clerk's role. Whether its textual reading of the statute was correct or not, the Court absolved WEC from the need to address the mover's list. As a result, local practices were not uniform and the statutory obligation to remove voters who have moved was not universally followed. So the registration rolls still contained people listed as movers who had not affirmed their old addresses. WEC's post-election report also stated that only 7.2% of the total group has reregistered at their old address since 2019, or affirmed that they still live at their old address. Nor have many re-registered somewhere else. More problematic, 5,329 voters voted in the election from their old address, and 13,757 voted from a new address while in active mover status.[18] See Figure 5, which was recreated from WEC's post-election report.

Figure 5. ERIC Movers List - Current Status
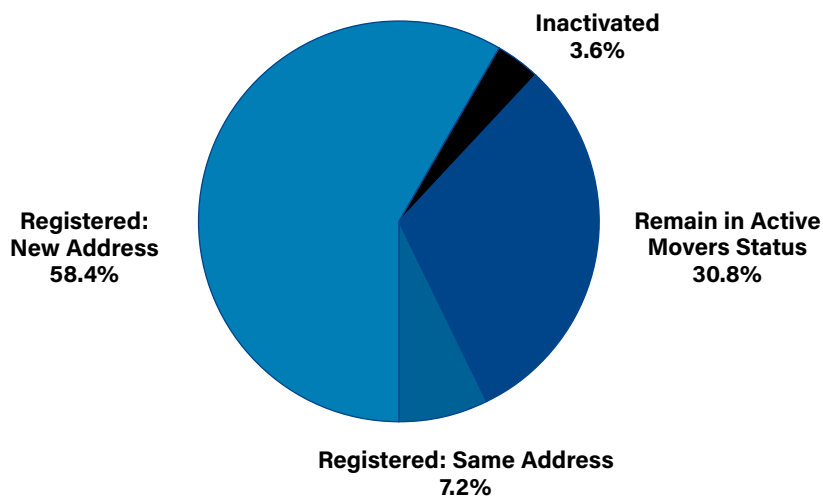
Regarding the 5,329 voters who voted from their "old" addresses, WEC seems to suggest in its report that the inclusion of a watermark in the poll book, prompting poll workers to ask voters to confirm their address, is sufficient to ensure that people do not vote from an old address:

"Active-Movers appear on the poll book with a watermark on their name. The watermark signals to poll workers that the voter must affirm his or her address before being issuing a ballot. If the voter has moved, he or she must re-register before a ballot is issued. If the voter has not moved, they must sign, affirming that their address is still current, before receiving a ballot."

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*   State ex rel. Zignego v. Wisconsin Elections Comm'n, 2021 WI 32, ¶6, 396 Wis. 2d 391, 957 N.W.2d 208.

We do not know that the question was uniformly asked or that the answers given were true. That said, in-person fraud may be unlikely. If a fraudster decided to vote in the name of a moved voter, they would have to produce a photo ID. The address doesn't have to match, but the name and photo do. Additionally, the fraudster would risk that the moved voter would also vote, resulting in a double vote.

Absentee fraud is more possible. We do not know how many of these voters voted absentee. But if the frequency of absentee votes among this group matched their overall frequency, nearly half of these votes were cast by absentee ballot. Presumably, no one would have asked them to confirm they lived at their previous addresses. And, if they used indefinitely confined status, there would be no need to produce a matching photo ID. We can't say whether these votes were cast by people who had not moved and remained eligible to vote at their old address. But neither can WEC. One might conclude that the potential number of fraudulent votes was not high, but in a close race would still be a concern.

DMV MISMATCHES

The Help America Vote Act (HAVA) was passed by Congress in 2002 to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. Among other things, HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration.

52 U.S.C. § 21083 is part of HAVA and provides as follows:

> each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the "computerized list").

That section of HAVA also requires that the State have provisions "to ensure that voter registration records in the State are accurate and are updated regularly." This must include "a system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters."

To identify registrants who are actually ineligible to vote, 52 U.S.C. § 21083(a)(5)(B)(i) requires, among other things, that:

> The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

Wisconsin Statute §85.61 implements this provision of HAVA and requires the Wisconsin Department of Motor Vehicles (the "DMV") and the administrator of WEC to match personally identifiable information in the official voter registration list to the DMV database "to verify the accuracy of the information provided for the purpose of voter registration." This process of checking the information provided by a registrant with the information in the possession of the DMV is typically referred to as the "DMV Check."

As part of our review, WILL obtained information from WEC pursuant to Wisconsin's Open Records Law regarding mismatches between voter registration information and the DMV database. WILL learned that, as of the time of the response (June 24, 2021), there were 95,150 such mismatches in the system, some of them going as far back as 2008.

The 95,150 mismatches between 2008 and 2020 can be broken down in Table 9.

Table 9. DMV Mismatch Reasons, 2008-2020

Reason	Count	Share
1 - All Fields Match	52	0.0005%
2 - Name and DOB Do Not Match	1,024	0.8%
3 - Name Does Not Match	74,474	65.40%
4 - DOB Does Not Match	5,163	4.54%
5 - No Record of DL Number	27,662	24.3 0%
7 - Invalid Name	161	0.14%
S - Invalid Data Submitted	176	0.20%
Z - No Matches Found	5,117	4.50%

And the list of those that mismatched in 2020 leading up to the November election are in Table 10.

Table 10. DMV Mismatch Reasons—2020 pre-November Only

Reason	Count	Percentage
2 - Name and DOB Do Not Match	274	1.17%
3 - Name Does Not Match	15,260	65.32%
4 - DOB Does Not Match	1,061	4.05%
5 - No Record of DL Number	4,885	20.91%
S - Invalid Data Submitted	66	0.03%
Z - No Matches Found	1,815	7.77%

So, what does this mean? It means 15,260 individuals were allowed to vote in the November 2020 general election, even though the driver's license number in their voter registration information could not be matched to any driver's license number in Wisconsin Department of Motor Vehicles records with recent data. Overall, 27,662 fit into this category dating back to 2008. It means that in the remaining 72,218 instances where the driver's license number matched, either the name or the date of birth, or both did not match. About 18,3476 fit in this category this year.

Of course, it is possible that this could all be an innocuous error. Perhaps the license number was recorded improperly or the name was stated differently. The mere existence of a "mismatch" only tells us that we need to look, but does not indicate the cause of the discrepancy. WILL intended to determine the significance of the mismatches by examining the driver's license numbers, dates of birth, and names—but WEC says that it cannot provide that information under state law.* WILL does have a list of the names and addresses on the voter registration list, but was unable to receive the correlating DMV records to determine if they were typographical errors, missing numbers, or false information. State law does not require transparency of this data, so there is no way to determine the scope of the problem.

We can conclude that the mismatches are not evenly distributed. WILL added up all the mismatches from Dane County and Milwaukee County, and the total was 8,306. The percentage of total flags represented by these two counties—about 35.4%--is significantly higher than the vote share of these counties statewide (about 24.4%).

Finally, WILL also examined the number of individuals on the mismatch list who also used indefinitely confined status to vote in 2020. 7,366 voters also appeared on the indefinitely confined list. This is not disproportionate—indefinitely confined voters were 8% of all voters and 6.4% of those on the mismatch list. But it does mean that 7,366 voters registered to vote with information that did not match DMV records, were permitted to vote without showing any voter ID, and their votes were still counted. While they may have been eligible voters, a secure election would require these discrepancies to be addressed.

WILL has also looked into why voters who fail their DMV checks are allowed to vote without incident. According to the LAB report, WEC doesn't even receive data on the specifics behind a failed DMV check. At some point, WEC asks the municipal clerks to send a letter to these voters asking them to clarify the discrepancy. However, WEC informs the clerks that regardless of the results of the DMV check, it does not affect the ability of the individual to vote, and that the clerk has met their responsibility to verify the information once the letter has been sent. Whether the individual responds or not, nothing more is done. As a result, many mismatches exist in the system.

This is a major weakness in Wisconsin's electoral security. While you must show a photo ID to register in-person, Wisconsin's mail-in registration by indefinitely confined voters allows registration with easily fabricated proof of residence. A post-election verification is the only way to confirm their accuracy. And because there is no requirement to verify these registrations, no one can say whether a problem exists.

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*   Wis. Stat. § 6.36(1)(b) provides that even though the public may get a copy of the voter registration list that the public cannot get a voter's DOB or driver's license number or social security number. That statute supports WEC's argument that if it had the DMV information it would still not be able to produce it.

NCOA DATABASE

WILL also checked the voter file against the National Change of Address database. Because the Movers List includes a check of the NCOA database, this should represent a subset of the Mover's List, but one that is less likely to include "false positives." If someone has used the NCOA, it indicates that they have actively changed their address. 31,664 voters were flagged in the system as having changed to a different address prior to November 2020. Among the subset of these voters where a new address was known, 7,151 moved to an address in a different state. There is likely overlap with the Mover's List, as NCOA is used in the ERIC system to identify moved voters.

A legal question remains regarding the validity of votes cast in Wisconsin by individuals who have submitted a permanent change of address form. Wis. Stat. 6.10(1) states that a person's residence for voting "is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return." The statute also says that "A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return." Under Wisconsin law, a voter's statements and actions are used to determine their intent. So, while filing a permanent change of address form would be indicative of not having an intent to return (i.e., it is permanent), it would not be dispositive of the issue. Still, that this many voters claim to be somewhere else warrants additional attention.

Inconsistent Election Practices

INTRODUCTION

Wisconsin is unique in that its elections are decentralized and administered by 1,850 local election officials. For many of these officials, their role as administrator of vital state elections is only a part time job. Perhaps on more than any other topic, our research for this project revealed important differences in how local officials carry out this role. While decentralized control is often ideal because it makes widespread systematic fraud nearly impossible, it is also problematic if it changes the likelihood that someone's vote will be properly counted. While we do explore the partisan implications of some of these variations in practice, it is important to note that election fairness ought not be a partisan issue.

METHODOLOGY

As part of our analysis of whether voter fraud occurred in the 2020 general election, one question we sought to answer was: to what extent are Wisconsin election officials responsible for the circumstances described in this report, which have been the subject of much public criticism and concern?

To answer that question, this report summarizes some of the most relevant election laws and rules that election officials are required to follow and seeks to determine to what extent they are being followed (or ignored) by election officials. WILL requested selected election materials from municipal clerks which included records regarding special voting deputies, drop box usage and practices, in-person absentee voting hours, absentee ballot curing practices, and DMV checks. The findings will be highlighted throughout the sections below.

To conduct this analysis WILL selected 50 municipalities of varying sizes to submit open records requests, ranging from Milwaukee with a population of nearly 600,000 to the Town of Clyde in Iowa County with a population of 315. WILL first selected the 20 most populous municipalities in the state (according to the most recently available census data). WILL then randomly selected 10 municipalities from each of the following population brackets to also request documents from:

1. **Mid-Size – Population of 7,500 to 37,000**

2. **Small-Mid Size – Population of 2,000 to 7,499**

3. **Small – Population under 2,000**

While some analysis throughout the report only references these 50 municipalities, there are others where statewide data was easily attainable. These distinctions are made throughout. The list of our sample municipalities is included in Appendix 3.

REJECTED BALLOT ANALYSIS

In every election, there are a number of absentee ballots that must be thrown out because the voters did not complete them correctly. The ballots could have missing or invalid information, like improperly filled out addresses, or incomplete witness information. Rates of ballot rejection should remain relatively stable, so it is potentially problematic if it varies over time or by municipality. In 2020, ballot rejection rates varied in a noticeable way. Figure 6 shows the ballot rejection rate reported by WEC for each presidential election dating back to the 2008 general election. The Spring Primary is also included here for reasons that will be made clear subsequently.

Figure 6. Effects of Reduced Rejection Rates, 2008-2020
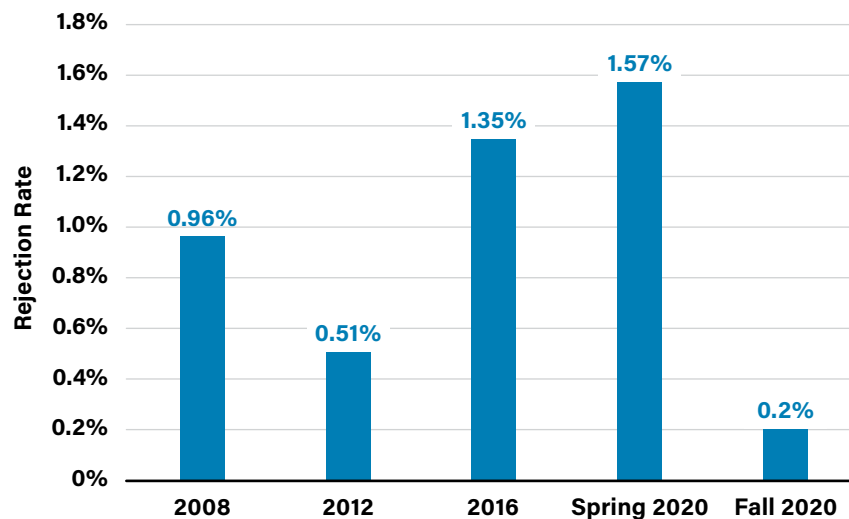
Despite outlets such as PolitiFact claiming that these results were "not a stunning anomaly," one could draw a different conclusion looking at this data.[19] The rejection rate was the lowest of any statewide election going back to 2008 and was substantially lower than the 2020 Spring Election. In an election where record numbers of people used absentee ballots, often for the first time, it is reasonable to expect that the rejection rate would be higher, not lower. A Dartmouth study found that first-time absentee voters were up to three times more likely to have their ballot rejected.[20]

It is important to highlight that rejection rates can play a key role in determining the outcome of the election based on variation in the extent to which partisans utilized absentee voting. To illustrate this, WILL estimates how the election outcome could have been affected if the ballot rejection rate from 2016—about 1.2%—had been maintained. In the poll of absentee voters discussed earlier, WILL also asked who the voter supported in the 2020 General Election. About 56% of respondents said they supported Joe Biden while 26% said they supported Donald Trump, with 3% saying they supported someone else (the remainder stated that they did not know or refused to answer). This is consistent with data from around the country that showed that absentee voters went heavily for President Biden.[21] If rejection rates were similar to those of 2016, there could have been a substantial shift in the election result.

Table 11 shows how many votes Trump and Biden would have been expected to lose under the 2016 rejection rates, with two sets of assumptions about those who did not reveal who they voted for using the total number of absentee ballots cast in the 2020 General Election (1,969,274). Under Model 1, the voters who did not disclose who they voted for are split evenly between Biden and Trump. Under Model 2, it is assumed that those voters voted in line with those who revealed their preferences, heavily favoring Biden.

In Model 1, it is estimated that Biden got around 1,250,488 absentee votes compared to about 659,706 for Trump.* A 1.0% reduction in these totals would lead to a loss of some 12,504 votes for Biden and of about 6,597 votes for Trump, leading to vote totals from absentee voting that were 5,907 closer than before.

Table 11. Results from Rejection Model 1

	Est. Absentee Votes	Loss of Votes M1	Gap Closure
Trump	659,76	-6,597	Trump +5,907
Biden	1,250,488	-12,504	**Biden –5,907**

Model 2 in Table 12—perhaps the more likely scenario—would lead to an even closer election. In this model, President Trump would make up about 6,791 votes on President Biden. Given the margin of victory in the state of roughly 20,000 votes, these figures are substantial and meaningful.

Table 12. Results from Rejection Model 2

	Est. Absentee Votes	Loss of Votes M2	Gap Closure
Trump	588,812	-5,881	Trump +6,387
Biden	1,268,212	-12,268	**Biden –6,387**

Partisanship and Rejection Rates

WILL attempted to replicate these results using the voter files available from WEC. However, this is another area where the manner in which WEC retains data has proven to be problematic. Once again, the problem was the use of rolling data files that do not include snapshots of how a particular list existed at certain points of time. The WEC employee recommended the best method of identifying the number of rejected ballots in the previous election and pointed to a data file that lists approximately 3,390 total rejections (compared to

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*   See Appendix 5 for the work here.

more than 4,270 in the WEC post-election report).* Nonetheless, WILL proceeded with an analysis on this shrunken file, along with the same file from 2016 and the spring election.

The dependent variable here is rejected ballots in the area by the share of total votes cast. Because partisanship is correlated with other factors, like respondent education level, a measure of the percentage of individuals who completed high school in the area was also included, as well as the percentage of individuals living below the poverty line. The model further controls for total voter turnout, as areas with lower turnout can see larger swings in the rejection rate from a small number of rejections, and limits analysis to wards with at least 100 voters in 2020. These results are depicted in Table 13.

Table 13. Strength of Variables in Partisanship and Ballot Rejection Rates

VARIABLES	(1) Rejection Rate Per 1,000 Votes
Percent Biden	4.720***
	(0.0674)
Turnout	-0.01***
	(0.00013)
Education Level	0.00133
	(0.0010)
Poverty Level	-0.0010
	(0.0156)
Constant	1.240***
	(0.360)

Observations	3,287
R-squared	0.028

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Here, rejection rates were actually slightly higher in areas of the state that voted for Biden. This is an interesting finding that contradicts the prevailing narratives regarding fraud. It is worth noting that this is a small effect—a one percent increase in the Biden vote share is related to an increase of about .0047, or 4.7 rejections per 1000 voters.

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* This section of this report relies on WEC-reported ward data, which sometimes combines wards, unlike the LTSB data used in other sections. Because of variation in reporting units over elections, the matched sample of wards here is a bit smaller than in other areas of the report.

Difference in Spring and Fall Rejection Rates

Another cause for concern was the change in the rejection rate between the spring and fall elections. Rejection rates shot up substantially in the spring 2020 election to about 1.35%. This is partially explainable by a huge increase in the number of absentee ballots in the spring. According to WEC, 61% of all votes were cast by mail compared to less than 10% in any other election.[22]

In the November election, the total number of absentee ballots cast reached another record high (1,957,514), dwarfing all previous elections, including those with higher total turnout like the previous presidential election in 2016 (830,763).[23] It was also significantly more than in the 2020 spring election (1,138,491) weakening the argument that voters "learned" how to cast these ballots in the spring. However, if the story here is simply a product of new voters filling out absentee ballots for the first time, one might expect that the rate of rejection would continue to climb in the fall. But that was not the case. Instead, rejection rates moved to record lows. What can explain this shift?

Unfortunately, due to the method in which data is aggregated by WEC for the spring and fall elections, only a municipal-level analysis is feasible here.* Table 14 lists the municipalities with the biggest shifts in rejection rate between the spring and fall election for municipalities in which at least 500 votes were cast in the fall.

Table 14. Municipalities with the Biggest Shifts in Rejection Rate from Spring to Fall

County	Municipality	Spring Rejection Rate	Fall Rejection Rate	Change
Sauk	Town Of Spring Green	23.59%	0.0008%	23.59%
Oconto	City Of Crandon	12.15%	0.0059%	12.15%
Sheboygan	Town Of Underhill	11.36%	0.0000%	11.36%
Chippewa	City of Bloomer	8.80%	0.0065%	8.15%
Pepin	City Of Durand	7.00%	0.0000%	7.00%

The rejection rate in a place like Spring Green—where about 23.5% of the votes were apparently rejected in the spring election—may seem improbable. However, according to WEC data, 163 "Non-UOCOVA" ballots were rejected in the city. Non-UOCOVA means that these were ballots from individuals who are not members of the United States military.

When WILL reached out to the clerks in these five municipalities to discover if there were any straightforward on-the-ground explanations for the extreme shifts, clerks from Spring Green and Durand replied.

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*   Similar to the footnote above, wards are grouped together differently between elections. For example, Appleton Wards 1-5 might be reported together for the Fall, while 1-6 might be reported together for the Spring. LTSB, the source for data used in other analyses here, did not offer rejection rate data.

According to the clerk of Spring Green, three ballot styles were required for the spring 2020 election. A clerical error was made where some voters may have been mailed the incorrect ballot style. The clerk determined which voters were already mailed a ballot, but was unable to determine which ones would have received an incorrect ballot style. After working with WEC and the county, the decision was made to re-issue the correct ballots with an explanation to those voters to whom a ballot had already been issued, and to reject the first ballot if it was returned. This led to a high reported rejection rate.

The City of Durand's clerk attributed the different rates to the fact that the spring election, at the beginning of the pandemic, was the first time that many voters utilized the absentee balloting process. Durand also said the "majority of the rejected ballots were returned after the April 2020 due date." For the August and November election, Durand indicated they worked to educate absentee voters whose ballots were rejected in the spring to correct any mistakes moving forward.

Variation in rejection rates is problematic, regardless of which candidate it may benefit in a single election. Again, this does not imply that ballots that should have been rejected, but were not, are fraudulent. Whether or not they are legitimate cannot be readily discerned. But ballots for which the requisite procedures were not followed are not supposed to be counted. If clerks did not do this "because COVID," then the law was no followed and there may have been a partisan impact. Creating a uniform standard for when a ballot must be rejected or not is critical to ensure fair elections.

ABSENTEE BALLOT CURING PRACTICES

Wisconsin Statute § 6.87(6)(d) specifies that an absentee ballot must be signed by a witness and include the witness's address and provides that "[i]f a certificate is missing the address of a witness, the ballot may not be counted." Instructions provided by WEC for absentee ballots dated August 18, 2020, warned that if the address was missing, the ballot would not be counted.[24]

This statement by WEC is consistent with the law. The plain language of § 6.87(2) requires that it is the witness who must affix his or her signature and write in his or her name and address. Section 6.87(2) does not mention an election official taking any action.

The Wisconsin statutes also explicitly explain what an election official may do if an absentee ballot is received with an improperly completed certificate or no certificate: "[T]he clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period authorized under sub. (6)."*

Section 6.87(9)'s plain language authorizes election officials to return the ballot to "the elector" to correct "the defect." It does not authorize election officials to make corrections, i.e., to write anything on the certificate.

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*   Wis. Stat. § 6.87(9).

In addition, Wis. Stat. § 6.87(6d) provides that "[i]f a certificate is missing the address of a witness, the ballot may not be counted."

However, on October 19, 2020, WEC sent instructions to clerks that this defect could in fact be "cured" by the clerk.[25] In this instance, curing means that election officials correct defects in the absentee ballot certificate, such as a missing witness address or date.[26] But these statements by WEC likely violated the law. Moreover, WEC's guidance explicitly directed municipal clerks that they "<u>must</u> take corrective actions in an attempt to remedy a witness address error." WEC guidance states, "municipal clerks shall do all that they can reasonably do to obtain any missing part of the witness address."

As part of this review, WILL asked our sample of 50 municipalities for records that show their policies for absentee ballot curing. Some municipalities responded that they had no responsive records, while the majority stated they follow WEC guidance as it relates to ballot curing. WILL then surveyed these communities to obtain more details about their curing practices and asked the following questions:

1. **Did your community "cure" or correct absentee ballot envelopes that were missing information, such as portions of the witness address, signature or dates?**

2. **If you cured ballot envelopes, was there any distinguishing mark made on the ballot envelope to differentiate it from other envelopes, such as red ink or initialing a section that was cured?**

3. **Lastly, did you keep track of which ballots were cured in your absentee ballot log or other document?**

Ultimately, WILL received responses from twenty-one municipalities. Of those, 13 indicated that they cured defective absentee ballot certificates, while eight did not. Because most municipalities did not respond, we cannot say that this proportion reflects state law practice. A higher or lower percentage of all jurisdictions may have cured ballots. Given WEC's direction, however, it is reasonable to assume that many municipalities "cured" absentee ballots.

WILL subsequently reviewed over 29,000 absentee ballot certificates from 29 wards in 10 different municipalities and attempted to determine a rate at which curing occurred. Many, but not all, were selected because they had the highest levels of absentee voting in their respective community. The wards reviewed are listed in Table 15.

Table 15. Absentee Ballot Certificates Examined for Defects and "Curing"

Municipality	County	Wards Reviewed	Absentee Certificates Examined
City of Eau Claire	Eau Claire	Wards 4 & 12	1,439
Town of Washington	Eau Claire	Wards 1 & 2	2,421
City of Kenosha	Kenosha	Wards 22 & 66	2,190
City of La Crosse*	La Crosse	Wards 9 & 21	0
City of Madison	Dane	Wards 9, 45, 106 & 107	9,754
City of Milwaukee	Milwaukee	Wards 171*, 183 & 315*	2,965
Town of Sanborn	Ashland	Wards 1 & 2	133
City of Appleton	Outagamie	Wards 3, 22* & 38	2,382
City of Kaukauna	Outagamie	Wards 6 & 7	1,614
City of Racine	Racine	Wards 22 & 27	2,145
City of Green Bay*	Brown	Wards 8, 37, 39, 41 & 43	4,123

*Reviewed as a part of this report's hand count

Despite guidance[27] and statements from WEC that any "cured" absentee certificates must be initialed by the clerk and that clerks should use red ink to mark changes to an absentee certificate,[28] many municipalities did not follow these practices. Many communities appeared to correct absentee ballot certificates without making any identifying mark to note the change, and a portion admitted as much in their response to our survey. This inconsistent practice made it nearly impossible to determine a consistent "rate of curing" across municipalities. For that reason, findings of interest will be described for each community below.

To complete this analysis WILL examined each absentee ballot certificate for the following information:

1. **Full Witness Address – WILL first checked to ensure that the witness address was fully complete. This includes the house number, street name, city, state and ZIP Code.**

2. **Witness Signature – WILL also checked to ensure the witness signature was properly filled in.**

3. **Date for Certification of Voter – State law dictates that the period for in-person absentee voting can occur no sooner than 14 days before the election.† WILL checked the date the certificate was completed and the witness section to determine whether in-person absentee ballots were cast during the allowable period.**

4. **Evidence of Curing – Finally, WILL examined the absentee certificate to determine whether there was any evidence of "curing" a defective ballot.**

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*   WILL received ballot scans from the City of La Crosse, but they were in a file format that could not be read, so La Crosse was ultimately not reviewed.

†   Wis. Stat. § 6.86(9).

Findings As to Curing

Across most of the wards that we reviewed, there were consistent problems with incomplete witness addresses. However, the vast majority of these "defective" ballots were simply missing a portion of the second address line, such as a city, state or ZIP Code. In most wards reviewed, curing these defective absentee certificates was relatively minimal with some notable exceptions.

While minor omissions are relatively innocuous and not indicative of fraud, "curing" these defects was arguably unlawful and inconsistent.

If some "cure" these ballots and others do not, then there is a lack of uniformity in statewide or cross-municipality elections. This could distort the outcome. That WEC's instruction to "cure" ballots is unencumbered (i.e., it is not limited to these relatively innocuous requirements) exacerbates the problem. And if, in fact, municipalities are able to "cure" more substantive omissions, the witness requirement may be substantially undercut. Because witnesses are legally required and designed to ensure the integrity of absentee balloting, this would create a vulnerability that could be exploited in future elections. Witness signatures are an additional layer of security to ensure the identification of the voter. They are also important in identifying potential instances of ballot harvesting.

In addition, we found some limited evidence suggesting that ballots may have been "harvested," collected en masse by a single person or group (which we believe to be unlawful and susceptible to abuse) or cast before the legally permissible period.

City of Appleton – Wards 3 and 38

First, WILL found that the vast majority of in-person absentee certificates in the City of Appleton were missing a date for when the ballot was cast, making it impossible to determine whether ballots were cast during the allowable period of two weeks before an election. Some limited instances of curing between the two wards were also found.

We also discovered some interesting cases that merit further examination. In one instance, WILL found an absentee certificate whose witness and voter signature appear to be filled out by the same person. The voter was listed as being indefinitely confined, and limited online records suggest this individual may live in another state.

Additionally, WILL found activities that appear to be suggestive of ballot harvesting. In this instance, two witnesses each signed four absentee ballot certificates at an assisted living facility, which were then returned to the clerk's office simultaneously.* All of the submitted certificates were indefinitely confined voters and there was no second signature, suggesting the special voting deputy process was bypassed.

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*   In both instances, the ballots submitted were in a sequential order that suggests they were delivered at the same time.

City of Kenosha – Wards 22 & 66

Of the wards reviewed statewide, Kenosha's presented the fewest problems. WILL found little evidence of curing or questionable ballot certificates in the two wards examined. This was likely due to the formatting of their absentee ballot envelope, which included separate spaces for each component of the witness address. To ensure that absentee ballot certificates have less of a need to be "cured" in the future, WILL recommends that clerks adopt a form similar to Kenosha's as a prudent best practice.

City of Kaukauna – Wards 6 & 7

Kaukauna, on the other hand, presented a number of challenges to analyze. Throughout the city, WILL suspected many cures based on consistent handwriting and a pattern of Kaukauna being replaced with "Kau." However, because the clerk's office did not use red ink or initial in most instances, WILL was unable to make a definitive conclusion.

Perhaps more troubling, in the two wards reviewed, WILL found 14 absentee certificates that were cast and witnessed by someone in the clerk's office before the allowable in-person absentee period. There are a few possible explanations for this, with varying degrees of concern. First, and perhaps the least concerning, the clerk could have served as a witness to individuals who requested a ballot by mail, returned the ballot to city hall, and asked the clerk's office to witness. Second, a voter could have sent in an absentee ballot without a proper witness signature, and instead of returning this ballot to the voter, the clerk's office filled it out. Lastly, the clerk's office could have allowed an individual to vote in-person before the legally allowable period.

City of Madison – Wards 9, 45, 106, & 107

The five wards reviewed in the City of Madison had low rates of curing and defective ballots. Out of nearly 10,000 ballots, WILL was only able to find 12 instances of defects and 17 cures.

City of Milwaukee – Wards 171, 183, & 315

The City of Milwaukee also had relatively low rates of curing in the wards examined here, with Ward 171 having zero discernible cured certificates. Ward 315 had four cures among 867 absentee votes, while Ward 183 had two instances among 1,994 absentee votes. Milwaukee was also consistent with how it marked its cured certificates, using red ink to document each instance of curing that was found here.

City of Green Bay – Wards 8, 37, 39, 41 & 43

Among the municipalities reviewed for ballot curing, Green Bay had a relatively high rate of curing. Green Bay consistently denoted cured certificates with initials from the clerk's office, but did not use red ink. Of the roughly 4,100 envelopes reviewed, WILL found 132 instances of curing, a rate of approximately 3.2%. Perplexingly, despite Green Bay's relatively high rate of curing, there were still many ballots missing information from the witness signature line. This inconsistent application of curing reinforces the point that if curing is going to be allowed, it must be done in a consistent manner.

City of Racine – Wards 22 & 27

We examined absentee ballot certificates from two wards in the City of Racine. The city indicated to us that they generally used green and purple ink to indicate areas of curing, although WILL also found instances of red ink being used. Racine proved to have the highest rates of curing in communities examined. WILL found that Ward 22 had 48 cured certificates out of 990 absentee ballots, for a rate of 4.85%. Ward 27 had 43 cured certificates out of 1,155 absentee ballots, for a rate of 3.72%. Some cures completed the "Today's Date" line. Overall, the cures in Racine were mostly consistent, though a few envelopes still surfaced that evinced missing information.

A LEGAL NOTE: SHOULD UNLAWFULLY CAST OR "CURED" BALLOTS BE DISREGARDED AND WHAT WOULD THE IMPLICATIONS BE?

In *Trump v. Biden*, the Trump campaign cited four deficiencies in balloting and argued that, as a result, a number of ballots in Milwaukee and Dane counties should be disregarded. In particular, the campaign challenged the way in which in-person absentee-voting was conducted. They cited concerns with incomplete addresses on witness certifications of absentee ballots that had been improperly "cured" by clerks, voters erroneously claiming indefinitely confined status, and the improper collection of absentee ballots at an event called "Democracy in the Park" in Madison. It asked that 130,650 ballots in Milwaukee County and 73,402 ballots in Dane County be excluded from the final count. Since there is no way to identify the actual ballots affected by these alleged infirmities, the campaign asked that these ballots be randomly selected pursuant to Wisconsin's "drawdown" process set forth in Wis. Stat. §§ 9.01(1)(b)2-4. Because Joe Biden won both these counties overwhelmingly, the relief requested by the campaign would have almost certainly flipped the state from Joe Biden to Donald Trump.

Such relief was unlikely to be granted or survive review. With the exception of the "Democracy in the Park" event, each of the three challenged practices did not only occur in Milwaukee and Dane counties. To cure these practices only in Dane and Milwaukee would almost certainly run afoul of the guarantee of equal protection as set forth in Bush v. Gore, 531 U.S. 98 (2000). In that case, the Gore campaign had sought a recount in only a portion of Florida, which would have resulted in differing ballot counting standards in different parts of that state.

WILL did not examine the first issue raised by the Trump campaign. It challenged an almost universally employed method of in-person absentee voting, by which a registered voter presents his or her identification and is handed a ballot and an absentee envelope into which it is to be placed. The application for the ballot is included on that envelope. The campaign argued that the statute requires the application to be made separately and before the voter is handed a ballot. On a statewide basis, reading the rule in this way to exclude ballots would have invalidated hundreds of thousands of votes in both Democratic and Republican areas. The net effect on the election's outcome is unclear.

With respect to "cured" witness certifications, we cannot know—for certain—how many ballots were cured on a statewide basis. It is also possible —perhaps even likely—that a court would draw distinctions between just what was "cured" since, as noted above, the statute does not define address. A court might well find that a ballot that has a street address but is missing a municipality or zip code—matters which are identified by a street address—already satisfied the requirement of an address. Based on our review, the vast majority of cured ballots fell into this category.

More fundamentally, we were unable to tell how many ballots were cured because of inconsistent practices by the clerks.

With respect to indefinitely confined voters, while it seems reasonable to assume that some significant voters improperly claimed indefinitely confined status, there is no way to know how many. It cannot be presumed that all were erroneously claimed, and there is no way to know how many votes should be drawn down.

Finally, with respect to "Democracy in the Park," we do know the number of ballots. As noted above in connection with drop boxes, a ballot is to be returned by mail or in person to the clerk. In his concurrence, Justice Hagedorn suggested that the ballots were collected by "sworn city inspectors," who could act as representatives of the clerk. Justice Roggensack characterized them as "volunteers" who could not be. In addition, the campaign argued that the parks had become "alternate ballot sites"—locations "from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election." Justice Hagedorn suggested they could not be because one could not request a ballot at the event.

Obviously drawing down the 17,721 votes cast at Democracy in the Park could not change the outcome of the election. But drop boxes are another matter because we do not know how many votes were cast using drop boxes, or where they were cast due to incomplete record keeping by clerks.

INSPECTOR STATEMENTS

As part of this review, WILL also examined nearly 5,800 pages of Inspector Statements from every polling place in our sample of 50 communities. These forms serve as a means for poll workers to document key election statistics and incidents that occurred on election day. These forms include documentation of the incident code, description of the incident, and the time it occurred. It also includes documentation of the total number of voters, absentee ballots, and the number of ballots cast in each ward.

When analyzing the documents, WILL carefully sought incidents that could be cause for concern. One possibly concerning type of incident would be high rates of recreated or rejected ballots. Ballots can be remade for a number of relatively innocuous reasons. For example, overseas and military ballots are received on standard paper, making them unreadable by ballot tabulators. For this reason, election workers automatically recreate these ballots. Ballots are also recreated when they are damaged or have an error that makes them unreadable by a tabulator. Many have expressed concerns with the process of recreating ballots, as there is always opportunity for human error or perhaps more concerningly, fraudulent behavior.

Whenever WILL saw heavy repetition of recreated ballots we counted how many times a ballot was remade or rejected, and the reason for doing so. Most often, the absentee ballots were damaged while being opened and had to be recreated, or were federal, overseas, or military ballots, which are automatically remade. WILL paid extra attention to how often ballots were recreated because of an overvote.* The statements would either say that the "voter intent is clear" or not, and would then recreate the ballot according to perceived intent or reject it. For instance, it was not unheard of for a voter to mark one candidate and then also write their name in; this was flagged as an overvote and then reconstructed according to the clear intent of the voter.

There were a few wards and communities that raised red flags. First, WILL discovered that City of Milwaukee's Ward 22 documented that 293 votes were counted, but only 224 votes were cast in the machine. WILL reached out to the city regarding this discrepancy, and they responded with this statement addressing and reconciling the issue:

"I can confirm that the chief inspector did not understand how to correctly fill out that internal form. If there was actually a numbering issue, we would have reconciled it and written in red the corrected numbers. That is not an official document (more of a worksheet that was created by the former director), so we did not make any corrections to it. 224 votes were also recorded as being at the polls in the WisVote database."

WILL also found high numbers of recreated ballots in Appleton, with 175 documented in Ward 17 and approximately 600 in Ward 45. In this case, it was reported that there was a misprint of ballots throughout the county that required approximately 13,500 ballots to be recreated for the votes to be properly counted by the machines.[29] For likely similar reasons, the nearby City of Neenah also had high rates of recreated ballots, stating that 193 were "misread" in Wards 1-4 and 409 total were recreated across the community. However,

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*   An overvote is when a voter casts a vote for more than one candidate in the same race.

it is important to note that the tracking of these recreated ballots was not consistent across all polling places, with many not documenting this process at all.

In Green Bay, 497 ballots were documented as being recreated. The most common reason was damage, which was high in comparison to other communities reviewed. Election documents show that Green Bay's central count used four electronic letter opener machines, and sources indicate these machines ripped several ballots while opening them.[30] WILL subsequently requested recreated ballots and their corresponding originals (which had been preserved) from the four Green Bay wards that reported the highest levels of ballot recreation in the city.*

Upon review of these ballots, WILL determined that all originals were properly transcribed onto their corresponding duplicates, with a couple of exceptions. In Green Bay Ward 6, WILL found an original ballot that did not have a corresponding duplication and a duplicate without a matching original. These two ballots did not have matching serial numbers, but otherwise matched outside of one contest, a non-binding referendum for non-partisan redistricting. Also, two of the reviewed wards had issues with properly assigning serial numbers to both original and recreated ballots. One ward had four originals with the same serial number. Despite this, WILL was still able to find the corresponding ballots, but these mistakes show there is room for improvement.

SPECIAL VOTING DEPUTY PRACTICES

Wisconsin's special voting deputy (SVD) law was established to provide greater access to voters who may have difficulties making it to their polling place on Election Day, such as elderly or infirmed individuals.[31] While expanding access for these populations, the legislature also acknowledged that additional procedural safeguards should be instituted to prevent undue influence on the voting of these potentially vulnerable populations.

Wis. Stat. § 6.875 deals with absentee voting in residential care facilities and nursing homes. Subsection (2)(a) states that "Absentee voting in person inside residential care facilities and qualified retirement homes shall be conducted by municipalities only [emphasis added] in the manner prescribed in this section."

Subsection (4)(a) provides that "For the purpose of absentee voting in qualified retirement homes and residential care facilities, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or facility for the purpose of supervising absentee voting procedure by occupants of the home or facility. Each of the political parties also has a statutory right to send one individual to accompany the special voting deputies for the purpose of observing the process of absentee ballot distribution.†

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*   Green Bay Wards 6, 12, 21, and 40. Though election inspection logs indicated that there were only 200 recreated ballots in these wards, WILL received 207 from Brown County; WILL deemed this number not consequential enough to look into further.

†   Wis. Stat. § 6.875(7).

In March 2020, WEC issued guidance suspending special voting deputy requirements for the April 7th general election[32] and made subsequent moves to do the same for the August 11th primary election[33] as well as the November 6th general election,[34] all in violation of the law, as confirmed in the audit by LAB.[35] As part of the work herein WILL requested records from our sample municipalities to determine compliance with these provisions of the law. WILL examined records from the Wisconsin Department of Health Services to determine which communities have facilities where special voting deputies should have been dispatched.

Out of our sample of 50 communities, 15 do not have a facility that would require the SVD process to be utilized. Of the 35 remaining communities with facilities that would likely be required to use this process, only Brookfield and Waukesha provided records indicating that they appointed individuals to be SVD's for the Fall General Election. That means in 33 of our sample communities, clerks either didn't appoint special voting deputies for the November election or did not provide the records as requested. These findings were largely confirmed in the LAB's report, which concluded that of the 352 clerks statewide that reported having a qualified facility that would require the use of SVD's, only 10 clerks actually dispatched them, meaning less than 3% of clerks statewide complied with the law.[36]

Just recently, Racine County Sheriff Christopher Schmaling raised this issue and suggested that a number of nursing home residents who were said by family members to lack the capacity to vote did, in fact, vote.[37] We cannot pass judgment on the latter allegation, although, as noted above, the SVD process is designed not only to facilitate absentee voting by nursing home residents, but also to reduce the potential that vulnerable persons might be manipulated.

We don't dispute that WEC had a problem. How was absentee voting in nursing homes to proceed? Contrary to its most recent assertions, nursing home residents have a right to vote but not a right to vote absentee. Nevertheless, we sympathize with WEC's desire to find a way for it to happen. But under Wis. Stats. § 6.84 WEC lacked the authority to unilaterally change the law. It had two choices—figure out a way to comply with the statute (as some municipalities eventually did) or ask the legislature to change it. Making up something "better"—even if it was "better" —was beyond its authority. It's stunning that its current chair and Executive Director don't even seem to have recognized this problem.

IN-PERSON ABSENTEE HOURS

Wisconsin currently defines no statewide hours for early absentee voting. Municipalities are afforded freedom to set the dates and times for early voting, and they vary extensively. To gain a picture of early voting practices around the state, WILL surveyed the aforementioned 50 units of local governments to determine their hours of in-person absentee voting. WILL received responses from 47 municipalities and then counted the number of hours each set aside for absentee voting.* WILL was also able to use online resources to find the voting hours for an additional municipality (Sheboygan).[38] For municipalities that have

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*   Two municipalities had appointment-only voting. These were given a count of "5" hours for voting.

more than one voting place, WILL added up the number of hours per day that each polling place was open. For instance, if one polling place was open from 9AM-1PM (4 hours) and another was open from 12PM-4PM (4 hours), the total reported here for that community is 8 hours.

While our sample of 50 municipalities doesn't provide us with sufficient data for a statistical analysis, there do appear to be differences in the availability of absentee voting with the size of the municipality. Table 16 shows the average number of absentee hours available by municipality population in two ways—aggregate hours and hours per 1,000 residents.

Table 16. Absentee Voting Hours, Municipality Size, and Turnout

Municipality Type	Average Hours	Hours per 1,000	Percent Trump
>200,000	1,000.5	1.47	16.95%
50-200,000	117.8	0.81	41.26%
25-50,000	83.31	0.29	48.28%
15-25,000	72.75	0.44	46.24%
10-15,000	65.57	0.35	49.48%
5-10,000	40.15	0.74	48.94%
<1,000	33.07	1.15	52.10%

There is a clear relationship between municipality size and aggregate hours. The largest cities have more than 1,000 hours, and there is a significant decline after that. When looking at per capita hours, the trends are a bit more blurred, as both the largest and smallest communities have more hours per 1,000 residents. However, it is clear that access to voting varies by municipality size, and that those in mid-size communities have relatively less access than those at the extremes.

Other Considerations

INTRODUCTION

This section of this report deals with several controversies that were brought up in the aftermath of the 2020 election. While the exact violation of state statute in many of these cases remains unclear, we wanted to take a look, as best we could, at the evidence for and against each of these claims.

"BALLOT DUMPS"

On Election Night, many Republicans in Wisconsin went to bed thinking that Trump was likely to win the state, only to wake up the following morning to find that Joe Biden had taken the state's electoral votes. Some have attributed this to a so-called "ballot dump" in Milwaukee that occurred in the middle of the night. The theory goes that, seeing the trends of the state, officials in Milwaukee invented just enough votes for Biden to overcome Trump's lead. This specter of a stolen election stuck in some imaginations because, *if* one suspects that there are nefarious officials determined to make Biden win, then reporting *just enough* votes, all at once in the dead of night, for Biden to overcome Trump's margin of victory is what you would expect. On the other hand, the probability that there were nefarious actors given the sudden "ballot dumps" for Biden is not equally likely—and perfectly benign causes could account for it.

So, is there any evidence that this was fraud?

We begin by noting that earlier several Milwaukee wards were examined for aberrations in their predicted turnout and no systematic problems were identified. A large-scale dump of fake ballots should have shown up in this analysis. However, one can also take a look more broadly at the facts on the ground.

In doing so, it should be kept in mind that absentee ballots in Milwaukee are tabulated at an operation known as "central count." For this reason, they tend to be reported at the same time.

The *Milwaukee Journal Sentinel* provided an overview of how the margins shifted overnight.[39] With voting from most of the state in, Trump held a lead of approximately 109,000 votes. Once Milwaukee's absentee ballots were tabulated, this shifted to a lead for Joe Biden of more than 11,000 votes. Graphically, the stats blog FiveThirtyEight represented this progression as depicted in Figure 7 (published at 6:51 AM on Wednesday, November 4).[40]

Figure 7. FiveThirtyEight's Graph of Reported WI Votes throughout Election Night
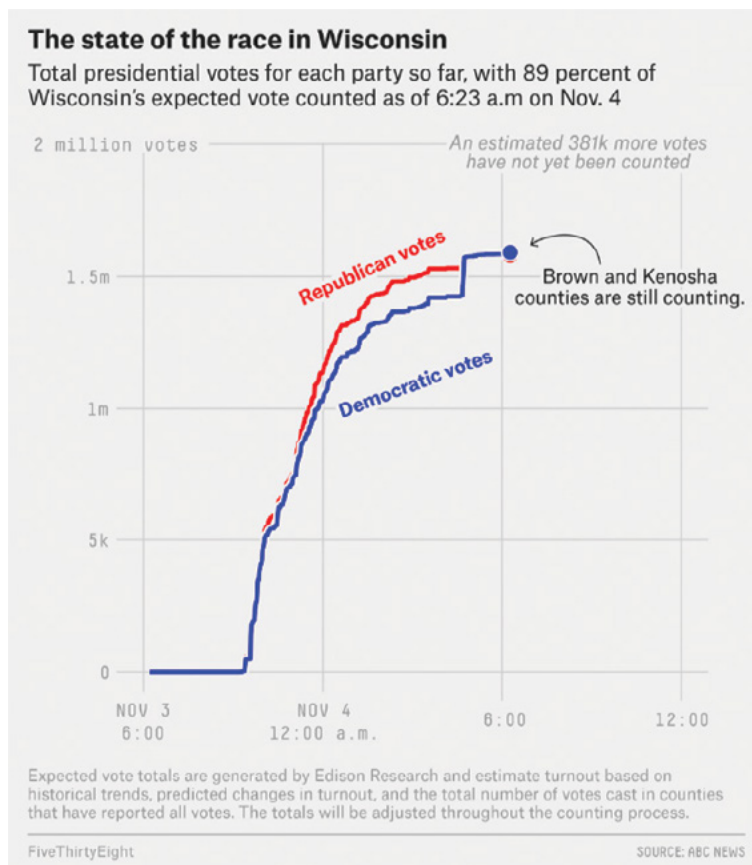
This represents a swing of about 120,000 resulting from the count in Milwaukee. Is this plausible?

According to WEC, there were approximately 169,423 absentee votes to be counted in Milwaukee on election night.[41] In order for Biden to move from a deficit of about 109,000 to a lead of about 11,000, he would need to capture approximately 144,711(85.41%) of absentee votes. Biden received approximately 78.83% of votes across the city. However, it can be seen from our poll of absentee voters described in a subsequent section that Republicans statewide were underrepresented in absentee voting, possibly due to fears sparked by the President. The poll of absentee voters also found a significantly higher share of absentee voters in Milwaukee who supported Biden relative to the rest of the state. Consequently, the overperformance of Democrats among absentee voters in Milwaukee is, even by Milwaukee's left-leaning standards, to be expected.

Nor is it likely that these votes were "manufactured." Total turnout in Milwaukee County in 2020 was 459,723 compared to 440,247 in 2016. This is an increase, but not an unusual one in the context of 2020. Anyone who was comparing the vote totals in the early morning hours (and one of the authors of this report was) could not have been surprised by the fact that Trump's margin deteriorated. It was absolutely predictable. It was clear, from 2016 results alone, that there were many outstanding votes in Milwaukee County.

But this "blue shift" still raises concerns. Do we want jurisdictions that are overwhelmingly Democratic or Republican to know how many votes are needed to erase a margin? At the very least, this can create an appearance of impropriety. That appearance was exacerbated by an ill-advised and unprofessional e-mail exchange between the director of the Milwaukee Election Commission and a Democratic party activist "joking" about "delivering just the margin needed at 3 a.m." While the evidence does not support a conclusion that the votes were "delivered" through fraud, such language feeds suspicion.

One possible solution to avoid the appearance of impropriety is changing state law to allow the processing of received absentee ballots prior to election day. States like Florida have effectively used such systems to have most or all of their ballot processing completed on the evening of the election. This will be discussed further in the Policy Recommendations section below. Another possible solution would be to eliminate the use of central count facilities for processing absentee ballots. The City of Madison, despite high levels of absentee voting, did not experience a delay in the reporting of their results, perhaps because they do not use a central count facility.

ABSENTEE BALLOT ANALYSIS

In the aftermath of the 2020 Election, the Trump campaign's lawyers pointed to a survey of registered Republicans conducted after the election. In a survey of approximately 3,000 individuals in Pennsylvania, the campaign claimed that a significant number of absentee ballots were requested by someone other than the named individual, and that many Republicans who requested an absentee ballot had not had their vote counted. This report came under criticism for the method in which the data was collected and for extrapolating their findings to the state as a whole. In particular, the problem was that they only included Republican respondents, discounting the possibility that voters of other persuasions may either 1) lie to pollsters as well or 2) have issues in getting their votes counted. The suit that was filed argued that the polling provided evidence of significant fraud with Pennsylvania's absentee ballots.

WILL improved upon that lawsuit's analysis by correcting the data collection concerns and by examining the absentee ballot behavior of voters across the political spectrum, rather than just for Republicans. We would expect these differences to be similar across partisan lines rather than being tied to those who identify with one party or the other.

In March 2021, WILL conducted a survey on a random sample of 2,000 absentee ballot requesters across the state of Wisconsin. Given the approximately 2 million absentee ballots requested, this gives a margin of error of approximately 2% on the results. This means the true percentage of individuals expressing a particular position in this survey should be within 2% above or below the response percentage received if data from all absentee voters was collected.

Respondents were asked questions about their partisan identification, gender, education level, and age. The most pertinent questions were whether the respondent actually requested an absentee ballot, and whether they voted absentee.

Table 17 shows the percentage of individuals who stated that they requested a ballot, broken down by their partisan identification among the subset who did not vote in-person absentee.

A note on terminology: Wisconsin refers to early voting as "in-person absentee voting." Consequently, for the information below, this report refers to the subset of absentee voters who are recorded by WEC as having requested a ballot, and subsequently voted by mail.

Table 17. Partisan Breakdown among Ballot Requesters

Partisan Identification (N)	Percentage Claiming Requested
Republican (223)	83.41%
Democrat (592)	91.72%
Independent (471)	92.14%

First of note is the small number of Republicans who were identified in the poll (N). Despite collecting a random sample from the universe of Wisconsin absentee voters, only about 17% identified as Republicans. Consistent with prevailing narratives before the election, Republicans appear to have been less likely to participate in mail-in voting than those with other partisan identifications.

Just over 90% of Democrats and Independents stated that they had, in fact, requested a ballot. For Republicans, this number was less, at 83%. This gap of approximately eight percentage points is statistically significant (p<.01). Across the political spectrum, 9.56% of respondents—123 voters—who have a mailed absentee vote recorded in their name stated that they did not request one.

So what do those 123 voters who reported not requesting a ballot, but are counted as such, say they did for voting? Those results are depicted in Table 18.

Table 18. Self-reported Actions of those Who Claim to Have Not Requested A Ballot

Mode Reported (N)	Percentage
Voted using an absentee ballot (43)	34.96%
Voted in person via early voting (32)	26.02%
Voted in-person on election day (35)	28.46%
Didn't Vote (6)	4.88%
Don't Know (7)	5.69%

Most problematic of these categories would be the six who say they did not vote, but have a vote recorded in their name. If this is accurate, it would indicate more than 96,000 fraudulent votes in the state based on total absentee voting. However, it must be said that 6 respondents from a poll of 2,000 could well represent simple measurement error, or individuals who didn't want to reveal information to pollsters. To examine the extent to which this is possible, WILL sent an open records request for the voter information for these six voters.

The first goal was to determine if each of these voters did indeed submit an absentee ballot in the November election. To do this, WILL requested a copy of either their voter registration or ID, and then compared the signature on either of these documents to the signature on their absentee ballot envelope to verify that it was indeed the individual who voted. We received absentee ballots for all six individuals, indicating that they did have a vote cast in their name in the November 2020 election. WILL was able to complete the next step of verifying the signature for six of the eight voters (one voter registered online, which does not include a signature, and his municipality refused to release his ID). The remaining voter resides in the village of Elk Mound and despite many calls and emails we were was unable to get in touch with this municipality, which ultimately ignored WILL's open records request.

Of the five voters for which WILL receive sufficient information, signature comparisons for two looked to fully match, while three of them were considered questionable by at least some of the staff members who looked at them. While it cannot definitively be said that these are cases of fraudulent voting, they may warrant further investigation.

These numbers are not large enough—and our doubts about a few signatures are not conclusive—to permit a conclusion or even a strong inference that these three votes were fraudulent. If they are, and if their proportion is representative, there could have been roughly 2,000 votes statewide. This would not have been dispositive in a presidential election, and we certainly aren't claiming that there were 2,000 fraudulent absentee votes cast by someone other than the voter. But the possibility cannot be completely dismissed, and when added to concerns about indefinitely confined voters, drop boxes and a failure to maintain voter rolls, illustrates why state law calls for strict compliance with absentee ballot requirements.

WRITE-IN AND THIRD-PARTY VOTES

The allegation has been levied that there was a significant decline in the number of write-in votes in the 2020 election.[42] Ray Blehar, a retired senior Department of Defense analyst, made the claim in a blog post that the decline in the number of write-in and minor party ("WIMP," he calls them) votes between 2016 and 2020 represents potential fraud. The blog post gained traction in conservative circles as evidence that something nefarious was going on with the results. This report takes a look at the history of Wisconsin presidential elections to gain perspective on the extent to which 2020 was an outlier. Figure 8 shows the number of such votes by election since 2008. The data here is from publicly available election results data from WEC.[43]

It appears that rather than 2020, 2016 is the outlier. In 2016, there were more than 186,000 write-in and third-party votes. In no other election were there more than 60,000. In fact, there were more write-in votes in 2016

Figure 8. Write-in Votes over Time
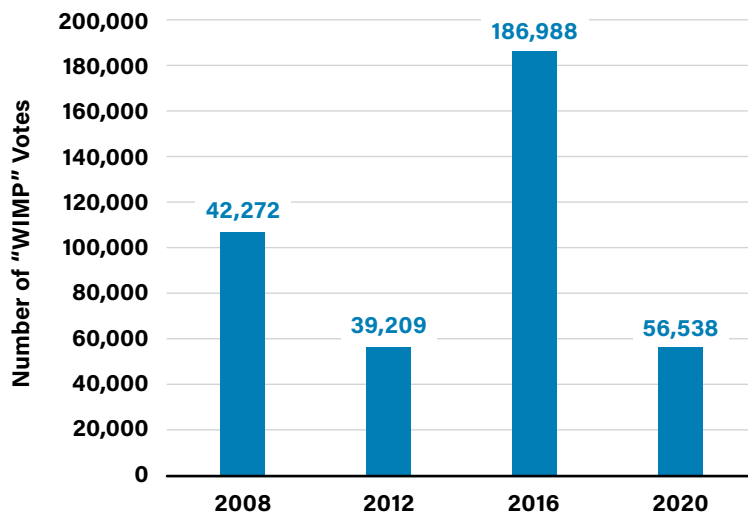
than in all presidential elections between 1976 and 2012 combined.[44] In that cycle, Libertarians captured 3.6% of the vote, amounting to more than 100,000 raw votes. Green Party candidate Jill Stein also won more than 1%, with 31,000 votes. Indeed, part of the decrease between 2016 and 2020 could be explained by WEC's decision to deny the Green Party ballot access.[45] The number of 2016 third-party and write-in votes is intriguing, but goes beyond the scope of this report. One cause is that one of the write-in candidates, Evan McMullin, garnered significant media attention as a potential Republican alternative to Trump and received nearly 10,000 write-in votes. That said, there is little evidence of any large-scale shift of write-in votes towards either candidate in 2020.

DISCREPANCY IN RATE OF FEDERAL-ONLY BALLOTS

When an individual has been a resident of the state for fewer than 28 days, they are not allowed to vote for any of the offices on the ballot in Wisconsin except President. They are provided with what is known as a "federal-only" ballot.* Per Wisconsin statute § 6.10(1), an individual must have an intent to stay in the state in order to establish residency to qualify as a Wisconsin voter. Some have argued that such ballots are a likely source of fraud, as individuals could temporarily establish residency to vote for President. These concerns are not unfounded. In 2011, members of the Service Employees International Union were accused of bringing people to a hotel in the state for the purpose of establishing residence, to allow them to vote in the Spring 2011 elections, with no intention of remaining in the state long-term.[46] While these individuals stayed in the state long enough to establish residency, one could imagine such a scheme to get presidential-only votes by a short stay in the state.

To determine whether there was an uptick in presidential-only ballots, WILL requested a count of such ballots from WEC for the 2016 and 2020 elections. Unfortunately, municipalities were not required to report the number of such ballots to the state prior to 2016, limiting our ability to analyze the data.

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*   Wis. Stat. § 6.15(1)

There were 87 federal-only ballots in 2016 and 199 in 2020. While this does represent a substantial increase, it is not nearly significant enough to affect the outcome. No patterns emerged, with certain municipalities accounting for a large percentage of the ballots. Table 19 depicts the wards with more than two federal-only ballots. Judging by names and addresses (not reproduced here), several of these incidences appear to be from a single family in the ward.

Table 19. Wards with More Than Two Federal-Only Ballots, 2020 Election

City of Madison - Ward 86 (3)
Village of Sauk City - Ward 3 (3)
Town of Winfield - Ward 2 (3)
Town of Springfield - Ward 1 (4)

VOTER REGISTRATION NUMBERS

The claim that there were more votes than registered voters in Wisconsin was regularly mentioned in the aftermath of the 2020 election.[47] Those countering these claims often defaulted to the response that Wisconsin has same-day voter registration. However, one need not even rely on that fact to see that there were more registered voters than votes cast. Figure 9 shows the number of registered voters in the state from early 2014 into early 2021 using WEC data (black trend line) plotted against the turnouts from the two most recent statewide elections for President and Governor each (horizontal lines).[48]

Figure 9. WI's Registered Voters over Time vs. Ballots Cast in Recent Elections
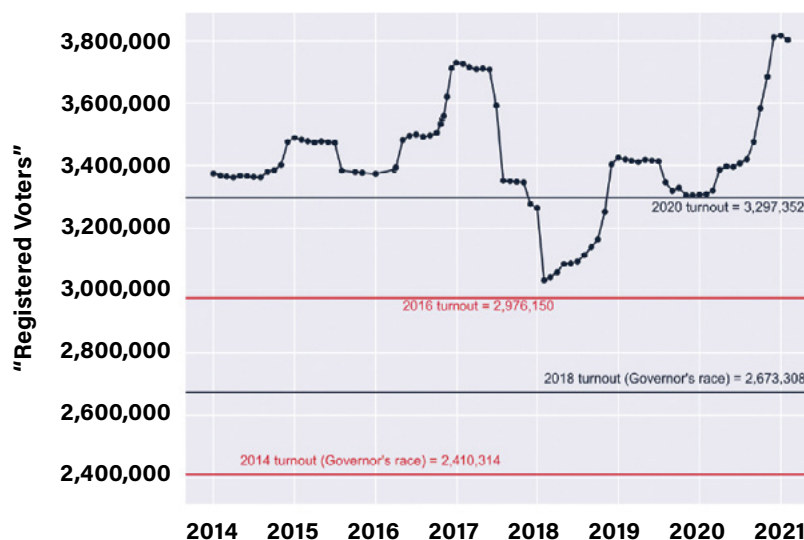
In every month, including January of 2020, the number of registered voters exceeded the total 2020 General Election turnout. By the time of the election in November, the number of registered voters in the state exceeded turnout by nearly 500,000. And as noted earlier in this report, 2020 was not even the high-water mark in terms of turnout percentage among eligible voters—2004 saw higher turnout.

Turnout growth was relatively consistent across the state. The average increase was 10.2%, and 34 counties fell within 2% of that. The 10 largest outlier counties are shown in Table 20. While it is hard to find a pattern that fits all of these, several are counties that border Minnesota or Illinois, which may have experienced growth over the past several years. In the largest outlier county, Kenosha, Trump actually increased his margin of victory from 2016.

Table 20. Counties with Largest Turnout Growth (%)

County	January	November	% Increase
Kenosha	85,600	100,331	17.21%
St. Croix	52,649	61,464	16.74%
Outagamie	103,896	118,689	14.24%
Rock	85,490	97,177	13.67%
Racine	105,592	119,988	13.63%
Polk	25,150	28,431	13.05%
Walworth	56,407	63,729	12.98%
Calumet	29,308	33,050	12.77%
Dane	348,798	390,887	12.07%
Brown	144,657	162,076	12.04%
Burnett	9,640	10,795	11.98%

Though we did not find instances, at this level of analysis, of wards with higher turnout than registered voters, it is possible for this to legally occur as a result of same day voter registration. In most instances, the explanation for unusually high percentage turnout is the use of outdated lists of registered voters.

REGISTRATION LIST ALERTS

A related issue that has been brought up is the significant number of voters who were removed from the rolls after the election. The concern seems to be that a significant number of voters were deactivated after the election due to fraudulent activities that had invented voters or led to voters being registered in multiple municipalities. The inference is not strong—a fraudster would presumably not deactivate phony voters *en masse*—so the removal alone does not support an inference of fraud. Figures 10 and 11 show the number of Registration List Alerts sent by WEC to local elections officials on a monthly basis for both the 2016 and

2020 elections. Registration List Alerts are sent to municipalities when an individual is flagged to be removed from the voter rolls. This could occur because of a death, a move, or a change in the voter's felon status.

Figure 10. Registration List Alerts by Month, 2020
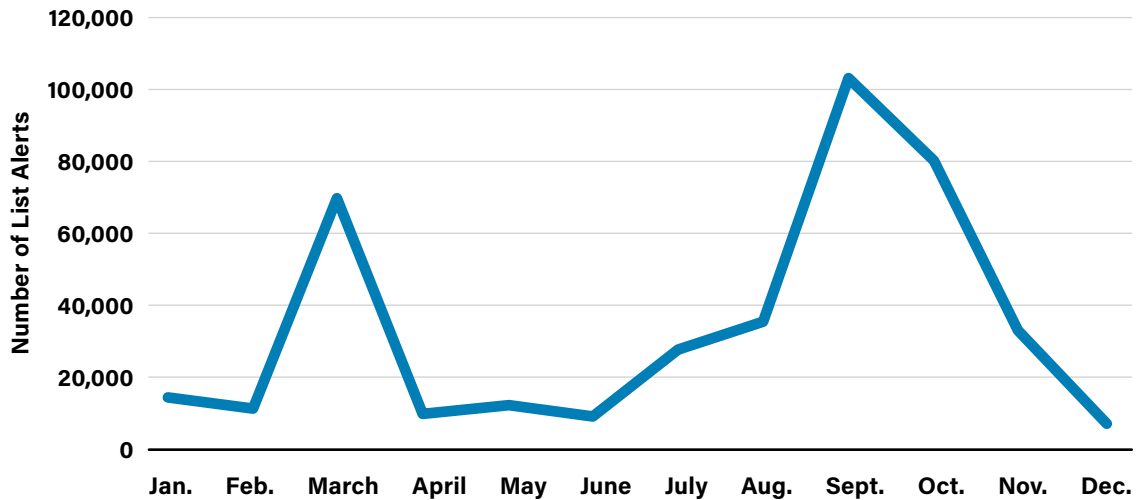
Figure 11. Registration List Alerts by Month, 2016
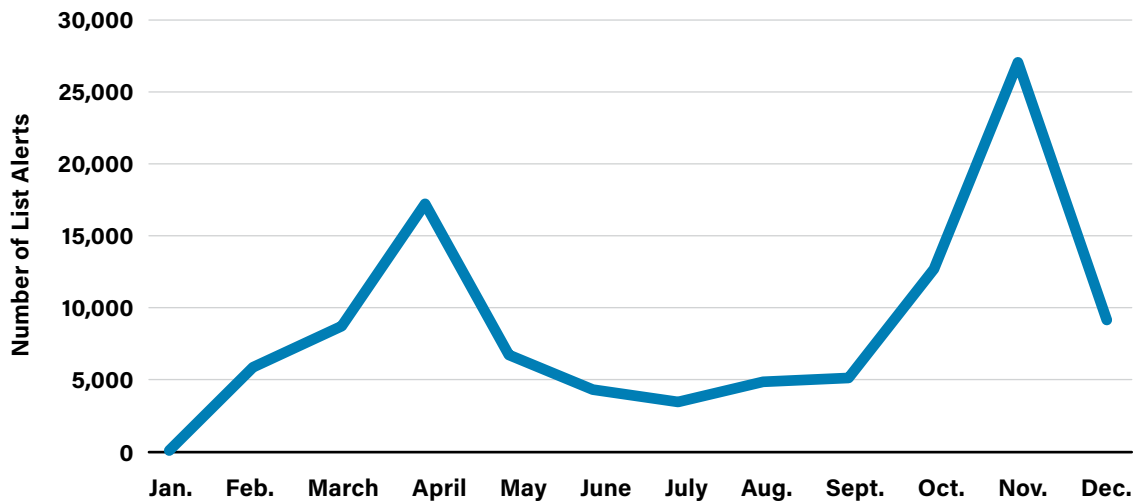
While the number of list alerts sent out was significantly higher in 2020 than in 2016, a similar pattern exists in both years. The chart clearly shows a spike in the number of alerts around the time of the election, but it is both before and after the election. What appears to be the true driver of the increase is people updating their voter information when they request an absentee ballot or go to vote. This is backed up by the smaller spikes that occur around the spring elections—a time when a nefarious removal of ostensibly fake voters would not serve much purpose. When compared to Figure 9's graph of total registrations, it appears that many of those stricken from the rolls were replaced by new registrants—likely the same voter at a new address in many cases. The pattern is also similar in 2016, albeit with sharper spikes around election time.

The plateau effect in 2020 relative to the spike in 2016 may be the effect of more people using absentee and early voting. Because more people voted earlier, more people updated their status earlier, creating a list alert. Of note is that the spike in the spring of 2016 was greater than in the spring of 2020. This is likely explained by higher turnout in the Spring 2016 election.*

CTCL AUDIT

The Center for Technology and Civic Life (CTCL) created a great deal of controversy during the 2020 election by providing grants for election administration to municipalities around the country. Funded in large part by Facebook CEO Mark Zuckerberg, CTCL made grants of more than $10 million to municipalities around Wisconsin. As a precursor to this report, WILL published *Finger on the Scale: Examining Private Funding of Elections in Wisconsin*, a comprehensive report on CTCL and the potential impact of their spending in Wisconsin.[49] Here are some of the main findings of that report, restated.

Through over 200 open records requests, WILL determined that Wisconsin municipalities received over $10.3 million from CTCL. These grants ranged from a high of $3.4 million for the City of Milwaukee to $2,212 for the Town of Mountain in Oconto County. While the grants were spread far and wide, the most populous cities in the state (Milwaukee, Madison, Green Bay, Kenosha, and Racine) received over $8.8 million, accounting for nearly 86% of all CTCL grant funds in Wisconsin. The largest communities in the state disproportionately received more per capita than Wisconsin's mid-sized cities. Table 21 below shows those discrepancies.

Table 21. CTCL Spending Per 2016 Voter, 10 Largest Wisconsin Cities

Municipality	CTCL Funding Per 2016 Voter	Total CTCL Grant Amount Received
Milwaukee	$13.82	$3,409,500
Madison	$8.30	$1,271,788
Green Bay	$36.00	$1,600,000
Kenosha	$20.94	$862,799
Racine	$53.41	$1,699,100
Appleton	$0.51	$18,330
Waukesha	$1.18	$42,100
Eau Claire	$2.01	$71,000
Oshkosh	$0	$0
Janesville	$6.11	$183,292

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*   Spring turnout in 2016 was 1.96 million compared with 1.55 million in 2020.

Most significantly, areas of the state that received grants saw statistically significant increases in turnout for Democrats. Specifically, Biden's vote increased by about 41 votes per municipality in cities that got grants relative to those that did not over 2016. This would amount to an effect of over 8,000 votes statewide to Biden. No statistically significant effect was found for Trump.

Some of this funding was spent on voter education. While most small towns used CTCL resources for voting equipment and COVID-related supplies, Milwaukee, Green Bay, and Madison spent close to or above $100,000 on ostensibly "non-partisan" voter education efforts. For example, the City of Racine used some of the money to purchase a mobile election vehicle, while Green Bay paid a public relations firm about $150,000 for voter outreach.[50] In total, this added up to more than $500,000 between the cities. While there is nothing intrinsically wrong with these efforts (although, depending on its use, a mobile "election vehicle" could be illegal), they are not a "response" to the "difficulties" in holding an election during the pandemic. They are, in fact, comparable to the turnout efforts—or "ground game" run by candidates, political parties and partisan activists. It isn't necessarily illegal for a municipality to partake in these activities, but the fact that a private actor who may have partisan interests funded them with more going to areas with large numbers of Democratic voters is troubling.

Concerns were exacerbated by the release of municipal e-mails that showed substantial involvement by CTCL personnel with the administration of elections—particularly in Green Bay. Legitimate concerns are raised by private funding of a core government function in which even-handedness is paramount. When private persons, many with a partisan background, beg to "help"* government officials do their jobs, it certainly warrants concern and a greater examination.†

The legality of CTCL funding has also been challenged in a series of lawsuits—none of which has been successful.‡ An injunction was sought in federal court in October based on various federal and state laws, but was denied. A series of complaints have now been filed with WEC, claiming that state law—and the Electors clause—were violated by ceding authority over local elections to private interests because each of

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* For instance, as reported by the *Wisconsin Spotlight*, "The *National Vote at Home Institute*, is one of several private, left-leaning groups, funded largely by Facebook CEO Mark Zuckerberg . . . Michael Spitzer-Rubenstein, Wisconsin State lead for the National Vote at Home Institute sent an *email* to Brookfield City Clerk Kelly Michaels on Sept. 21 with the subject line, 'Can we help Brookfield?' . . . He was 'eager to explore' how the Vote at Home Institute could support Michaels' work in Brookfield . . . Spitzer-Rubenstein, with an impressive *political resume working for Democratic politicians and campaigns*, had significant influence over the administration of the presidential election in Green Bay and, it appears, in Milwaukee." Kittle, M.D. Wisconsin Spotlight. *'Alarm Bells' Beyond Green Bay*. March 14, 2021. *https://wisconsinspotlight.com/alarm-bells-beyond-green-bay/*.

† The non-profit InfluenceWatch reports: "*Tiana Epps-Johnson*, *Donny Bridges*, and *Whitney May*, the founders of the Center for Tech and Civic Life, were co-workers at the *New Organizing Institute (NOI)* for several years before the organization dissolved in 2015. NOI, described by a *Washington Post* reporter as "the Democratic Party's Hogwarts for digital wizardry," was a major training center for left-of-center digital activists over the decade of its existence. Additionally, a few members of CTCL's board of directors have strong ties to Democratic political operations, notably Tammy Patrick, a senior advisor to the elections program at *Pierre Omidyar's* *Democracy Fund*, and Cristina Sinclaire, who was previously employed by NOI as well as by the progressive data service *Catalist*. [internal citations omitted]" InfluenceWatch. *Center for Tech and Civic Life (CTCL)*. (n.d.). Accessed October 28, 2021, from *https://www.influencewatch.org/non-profit/center-for-tech-and-civic-life/*.

‡ Center for Tech and Civic Life. October 14, 2021. *10 Facts About CTCL & the COVID-19 Response Grant Program*. *https://www.techandciviclife.org/10-facts-about-ctcl-grants/*.

these grants came with conditions. Whether this argument is successful or not may depend on further factual development. Municipalities often accept private funding without being thought to have ceded responsibility to the grantor. But elections may be different in that they call for a scrupulous neutrality. If, for example, factual discovery were to reveal coordination between municipal election officials and partisan activists to advance the interests of particular candidates or parties, other laws would likely have been violated.

There is, for example, some suggestion that funds were used to get out the vote in targeted "disadvantaged" or "minority" communities. While this may be perfectly appropriate for private political actors, it is not clear that a municipality can act in a way expected to benefit one political party over another. If funds were used to do things that state law prohibits—and there is apparently evidence that these funds may have been used for drop boxes and ballot curing—there may be a legal problem. There are also potential problems if "vote navigators" or "ballot couriers" collected ballots or attempted to influence voters. But these facts would have to be established and not assumed.

Another argument may be that permitting disparate private funding of elections violates the equal protection clause. This argument would, ironically, invoke the requirement of evenhandedness identified in *Bush v. Gore*. It would, for example, violate the equal protection clause for a blue state to provide disproportionate funding for election administration, seeking to increase turnout and making it easier to vote in Democratic strongholds or a red state to do so in heavily Republican areas. Might it not also violate the constitution for these partisan strongholds to accept such funding from a private party?

Overall Statewide Results

This report did not reveal evidence of significant fraud in the sense of intentional efforts to manufacture illegitimate—or to suppress legitimate—votes.* However, we did find instances where the law was not—or arguably was not—followed. To the extent that WILL was able to check whether failure to comply with a specific legal requirement had an impact, we found that there were potentially significant, if not dispositive, effects. But it is difficult to discern the extent of actual effects.

Even if there were no such effects, this does not mean, as noted earlier, that the failure to follow the law was harmless and should not be addressed. It is possible that these failures had an impact we were unable to detect. It is also possible that there could be fraudulent conduct of which we are unaware. To complete our analysis, we decided to see if there is anything anomalous about the 2020 results. While election fraud in close elections won't always result in unexpected or odd voting patterns, examining those patterns can find indirect evidence of untoward conduct. We compared the 2020 election to the voting patterns in recent elections, some of which we discussed earlier in this report. The rest is set forth here.

Statewide, the Wisconsin 2020 presidential results were not all that dissimilar from the 2016 results, in that both were close contests. In the 2020 general election, Biden received 1,630,866 votes compared to Hillary Clinton's 1,382,536 votes. Biden picked up 248,330 votes, an increase of 18%. Trump increased his vote total from 1,405,284 to 1,610,184, an increase of nearly 15%. In other words, both the Democratic and Republican candidates significantly increased their performance. Biden improved on Clinton's totals a bit more than Trump's 2020 vote improved on his 2016 showing.

Table 22 depicts turnout, in absolute numbers and percentages, for Wisconsin votes in presidential general elections from 2000 to 2020. Below the table, Figure 12 plots both statistics over time.

Table 22. Wisconsin Turnout in Recent Elections[51]

Year	Total Turnout	Percentage
2000	2,598,607	67.00%
2004	2,997,007	72.90%
2008	2,983,417	69.20%
2012	3,068,434	70.40%
2016	2,976,150	67.34%
2020	3,298,041	72.30%

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*   By "illegitimate," we mean votes by persons ineligible to vote, the manufacture of votes by nonexistent voters of manipulation of the count. By "legitimate," we mean votes by persons eligible to vote and an accurate count of those votes.

Figure 12. Wisconsin Turnout in Recent Elections
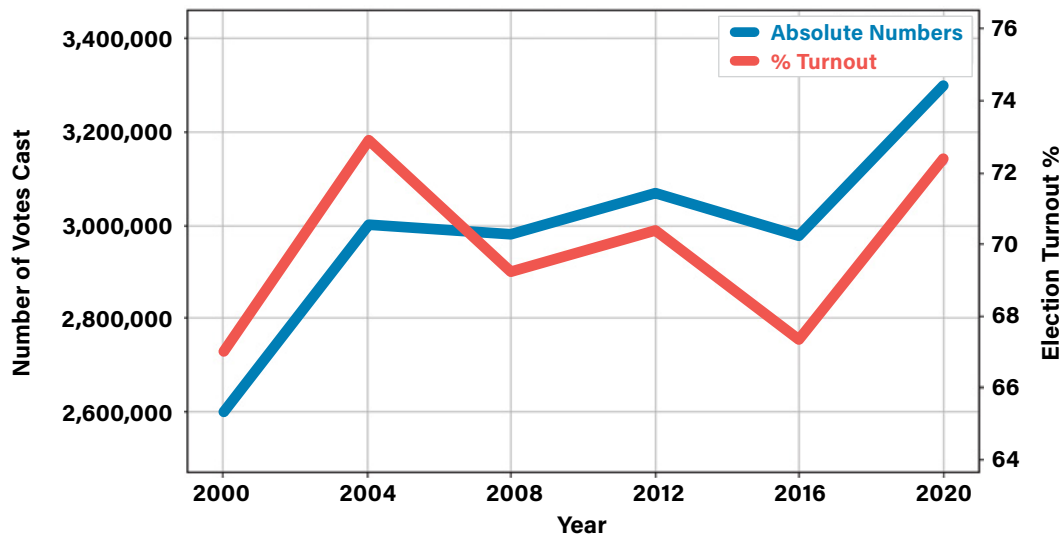
It would be easy to develop a narrative that fits a bias by looking at turnout numbers alone. For example, turnout was significantly lower in 2008 and 2012, before declining significantly in 2016. Did 2020 dramatically break the pattern, or did the decline reflect less competitive elections in 2008 and 2012, and historically unpopular candidates in 2016? We conclude that nothing can be inferred from turnout alone.

If statewide results are not obviously anomalous, it may be more revealing to identify individual communities where departure from previous experiences warrants further investigation. So WILL identified wards where turnout did not align with 2016-based predictions, completed a hand review of some of those wards, and conducted a survey of election practices.

Outlier Ward Analysis

WILL used three techniques to identify outlier wards that will partially form the basis for the hand reviews (described later in this review): wards with statistically aberrant turnout, wards with the greatest raw vote change between elections, and wards with the biggest change in the gap between the top of the ticket and other offices of the same party.* The data used in this section of the paper was gathered from the Legislative Technology Services Bureau (LTSB), which provides ward-level breakdowns of the election results from 2008 to 2020 using the 2020 ward map of the state.[52]

STATISTICALLY ABERRANT TURNOUT

Our statistical analysis uses three approaches to identify wards in the state where turnout varied significantly from that of the 2016 Election. For ease of understanding, this report only presents two of the statistical methods. The third can be found in Appendix 1. WILL's methodology then applies a funnel model, depicted in Figure 13, reducing the number of wards to study to only those that appear in at least two of the three models, and then further to only those where the results cannot be easily explained by other means.†

Figure 13. Funnel of Criteria for Ward Analysis

All Wards in the State

Statistical Outlier Wards

Statistical Outlier in 2/3 Models

Outliers Not Easily Explainable
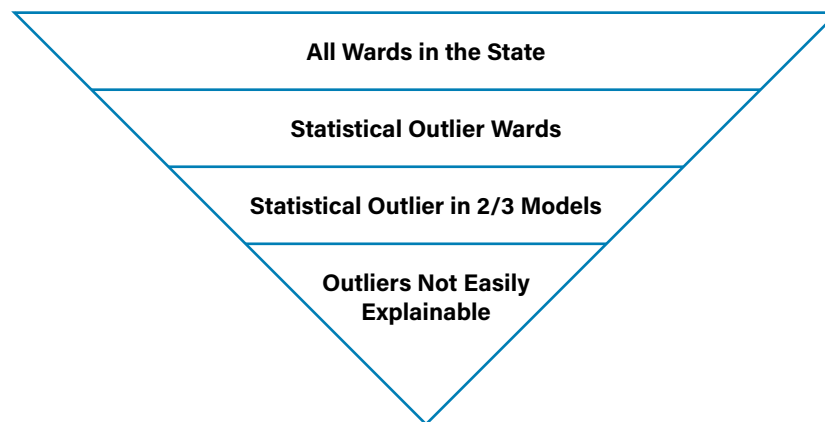
It is important to note that the findings in this section are not *prima facie* evidence of fraud, but rather of areas that warrant a closer look.

This report begins by asking the question, which wards in the state performed differently than would be expected based on evidence from past elections? Fortunately, the social science literature offers a number

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*   In 2020, the congressional races are used. In 2016, the model uses the election between Senator Ron Johnson and former Senator Russ Feingold.

†   For example, a ward where a new subdivision turned farm fields into housing between elections would be expected to lead to significant turnout shifts in the absence of fraud.

of well-established techniques for answering such questions. The first of these techniques, referred to as "Percentage Turnout Change," simply looks at the per capita change in turnout relative to the 2016 election in that ward. The second approach, the "Standardized Residual Analysis," uses a statistical model to predict turnout in 2020 based on 2016, and then identifies those observations which are most distant from their predicted value.* The "Leverage Residual Model," found in Appendix 1, additionally attempts to account for the amount of influence each observation in the dataset has on the overall fit of the model.

This report further limits analysis to wards that had more than 100 voters during the 2020 election. The smallest wards in the state are subject to more extreme variation based on a small number of voters, and thus could lead to false conclusions about potentially fraudulent behavior.

Wards that are identified by two out of three identifying techniques were analyzed by an outside election expert, Brian Kind, to determine the extent to which they fit with longer-term patterns in the area. Remaining wards that cannot be eliminated through this analysis were some of the subjects for this report's ballot review.

Method 1. Percentage Turnout Change

The first analysis simply compares the vote total for the Democratic candidate in 2016 (Hillary Clinton) with the vote for Biden in 2020 by ward. On the Republican side, this report compares the vote for Donald Trump in 2016 with his vote in 2020 by ward. The percentage change is calculated as follows:

$$\frac{(\text{Vote Total 2020-Vote Total 2016})}{(\text{Vote Total 2016})}$$

For example, a value of 10% indicates that the candidate of that party received 10% more votes in a particular ward than that party's candidate in 2016. A negative percentage would indicate the percentage decline in votes for that candidate in that ward. Table 23 shows the top 10 largest percentage increases and declines in total votes for each candidate.

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*   This report also utilized a third method for identifying outliers known as the "Leverage Residual Technique." As the results were consistent with the other analyses, this is merely found in Appendix 1.

Table 23. Largest % Vote Increase and Decrease for President (2016-2020)

Democratic Vote Increase	+/- Vote Total from '16	Republican Vote Decrease	+/- Vote Total from '16
C Madison Ward 124	1285.71%	C Fox Crossing Ward 13	-82.67%
C Sun Prairie Ward 24	393.75%	C Whitewater Ward 8	-80.11%
C Oshkosh Ward 33	308.33%	C Madison Ward 59	-76.74%
C Appleton Ward 2	287.50%	C Whitewater Ward 12	-76.42%
V Fox Crossing Ward 3	149.43%	C Milwaukee Ward 130	-76.00%
V Fox Crossing Ward 6	149.33%	C Oshkosh Ward 3	-75.67%
V Fox Crossing Ward 5	149.04%	C Madison Ward 58	-69.63%
C Madison Ward 107	139.24%	C Madison Ward 56	-69.38%
V Wright Crossing Ward 4	117.65%	C Fox Crossing Ward 9	-67.97%
C Kenosha Ward 75	113.73%	C Whitewater Ward 7	-67.64%
V Fox Crossing Ward 1	113.25%	C Eau Claire Ward 20	-66.82%

Democratic Vote Decrease	+/- Vote Total from '16	Republican Vote Increase	+/- Vote Total from '16
C Fox Crossing Ward 13	-82.52%	C Milwaukee Ward 170	354.55%
C Oshkosh Ward 3	-69.89%	C Milwaukee Ward 110	266.67%
C Whitewater Ward 7	-69.75%	C Milwaukee Ward 149	240.00%
C Milwaukee Ward 130	-69.06%	C Milwaukee Ward 121	230.00%
C Whitewater Ward 12	-68.75%	C Milwaukee Ward 162	225.00%
C Eau Claire Ward 20	-67.33%	C Sun Prairie Ward 24	213.64%
V Fox Crossing Ward 9	-66.46%	C Milwaukee Ward 156	194.12%
C La Crosse Ward 8	-63.93%	C Oshkosh Ward 33	191.30%
C Whitewater Ward 8	-62.60%	C Milwaukee Ward 155	172.73%
C Madison Ward 59	-58.09%	C Milwaukee Ward 151	150.00%

By far the largest outlier on the positive side for Democrats is Madison Ward 124. In this ward, raw vote increased by 1285% from 2016. The largest outlier for Republicans was Milwaukee Ward 170, where raw vote increased by 355% from 2016. It may surprise some readers to learn that some of the biggest Trump performance improvements on a percentage basis were in the city of Milwaukee. There has been some evidence that Trump did better with urban populations than he did in 2016, which could help explain this.[53] Moreover, in most of these wards, President Trump started from a low baseline of support, which made improvement easier. Many of the wards with the largest vote share increase for Biden could be characterized as suburban areas experiencing high growth.

Method 2. Standardized Residuals

Standardized residual analysis is a common technique for identifying outlier observations.[54] In a statistical model, this report estimates a predicted number of votes for each candidate in 2020 based on the 2016 performance of the candidate of the same party in that ward. The "residual" is how far off the actual value observed is from that prediction. The standardization process creates a value for the residual that is easily interpretable to the statistician. A rule of thumb in this sort of analysis is that any observation that falls above or below 3 can be considered an outlier.

With this method, the residuals for Joe Biden's percentage of the vote in 2020 are plotted against the arcsine of the square root of the Democratic Candidate's vote in 2016 in Figure 14. Horizontal lines marking positive and negative 3 (the rough outlier threshold) are depicted in red on the figure. Dots above the top line represent outlier wards where the vote for Biden was higher than would be expected. Dots below the bottom line represent wards where the vote was lower than would be expected for Biden.

Figure 14. Scatterplot of Standardized Residuals for Biden's % of the Vote
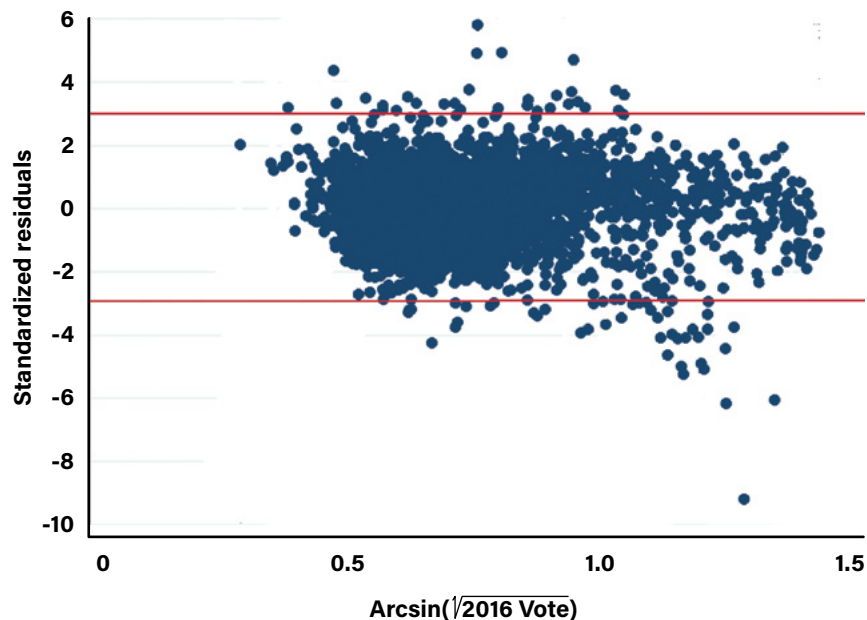
While the vast majority of wards fall in the middle, there are a number above and below the line. As before, Table 24 below reports the 10 most extreme wards in each direction for both candidates.

Table 24. Wards with Most Extreme Residuals in All Directions

Democratic Vote	Stand. Residual	Republican Vote	Stand. Residual
C Milwaukee Ward 171	-9.201252	V Harrison Ward 15	-5.162377
C Milwaukee Ward 228	-6.182738	T Murry Ward 1	-4.908937
C Milwaukee Ward 170	-6.068134	C Ashland Ward 1	-4.768305
C Milwaukee Ward 231	-5.251001	C Ladysmith Ward 5	-4.569880
C Milwaukee Ward 232	-5.083011	C Appleton Ward 32	-4.548339
C Milwaukee Ward 238	-5.005115	C Appleton Ward 22	-4.527592
C Milwaukee Ward 230	-4.916356	T Leola Ward 1	-3.819252
C Milwaukee Ward 254	-4.629474	C Whitewater Ward 8	-3.776807
C Milwaukee Ward 231	-4.433802	V De Soto Ward 1	-3.765443
T Seymour Ward 1	-4.249297	V Merrimac Ward 1	-3.746416

Democratic Vote	Stand. Residual	Republican Vote	Stand. Residual
T Skanawan Ward 1	3.525917	V Wheeler Ward 1	4.021922
C La Crosse Ward 15	3.574149	C Kenosha Ward 40	4.038047
T Russel Ward 2	3.605626	C Milwaukee Ward 240	4.071504
C Madison Ward 59	3.680269	C Milwaukee Ward 231	4.126482
T Russel Ward 1	3.730112	V Clyman Ward 1	4.325207
C Ashland Ward 1	3.746675	C Milwaukee Ward 238	4.437475
C New Berlin Ward 7	4.352802	V Hollandale Ward 1	4.755129
T Lapointe Ward 1	4.704827	C Milwaukee Ward 232	4.757522
C Appleton Ward 32	4.910460	C Milwaukee Ward 228	5.278389
C Whitewater Ward 8	4.934255	C Milwaukee Ward 170	5.911149
C Madison Ward 124	5.810061	C Milwaukee Ward 171	10.008160

The biggest outlier in terms of standard residual among both candidates is Milwaukee Ward 171. In this ward, President Trump performed far better, and Biden far worse, than would have been predicted by the 2016 numbers in this ward. Similar to results in the percentage change analysis, Biden severely underperformed in a number of Milwaukee wards relative to Hillary Clinton. The biggest residuals on the positive side for Biden tend to come from rural communities and a few Madison wards. For Trump, the Milwaukee wards are still pervasive.

Selection of Wards from Statistical Analysis

The standards for selection here were that they appear on more than one of these lists or have a large enough number of votes to potentially impact the election as a whole. Wards that fit these criteria, but ultimately were not selected, are explained in Table 25.

Table 25. Explanations for Not Selecting Some Wards for a Closer Look

Ward	Selected/Reason Not selected
C Appleton Ward 32	Appears to be part of a long-term trend of deterioration for Republicans
C Madison Ward 124	An area that went from farm fields to suburban homes between 2016 and 2020. 15 votes were recorded in 2016 compared to 138 in 2020
T Menominee Ward 2	Congressman Gallagher (R) is known for significant outreach to reservations; similar though not as extreme gaps were found in Ward 1
C Whitewater Ward 8	Ward is made up primarily of college apartments which were largely empty due to COVID
V Hollandale Ward 1	Consistent with patterns observed in nearby wards
C Milwaukee Ward 228	Part of the area of Milwaukee where Trump improved, similar to other neighboring wards

Wards that were selected for a deeper dive from the statistical analysis are listed in Table 26, along with the specific reason for their selection.

Table 26. Explanations for Selecting Wards for a Closer Look

| Ward	Reason Selected
C Appleton Ward 22	Despite being a suburban ward, the pattern of vote losses for Trump was somewhat unusual
C Milwaukee Ward 171	Not in the part of Milwaukee where Trump improved. Trump's improvement was not similar to neighboring wards. Also appears as the largest "Trump only" ward.

DISCREPANCY IN VOTE FOR PRESIDENT VS. OTHER OFFICES

Following the election, there were a number of complaints about the number of ballots that were cast only for Joe Biden relative to other Democratic candidates on the ballot and whether this discrepancy was the result of fraudulently created ballots.[55] The data in this section of the report was gathered from publicly available reports on election outcomes for Congress, the Senate, and President from WEC.

Based upon this review, in 2020, Biden received 64,434 more votes than the Democratic congressional candidates in this state. That translates to 3.9% of his total vote. In 2016, by comparison, Hillary Clinton only overperformed the Democratic Senate candidate by 2,181 votes; it is similar, though, to the performance of Barack Obama in 2012, where he outperformed Senator Tammy Baldwin by 73,881 votes. (An election for a U.S. Senator is the best comparison for a presidential election since it is a statewide race between two politicians; congressional races introduce different individual personalities and incumbency advantages from the state's eight districts, but there was no U.S. Senate election in 2020 in Wisconsin to compare the presidential race to.) By the same token, Trump underperformed Republican congressional candidates in the state by 51,215 votes in 2020, and underperformed Senator Ron Johnson by 74,187 in 2016. Figure 15 depicts the vote gap for partisans of each party in the past three election cycles.

Figure 15. Presidential vs. Congressional Vote Differences, Separated by Party
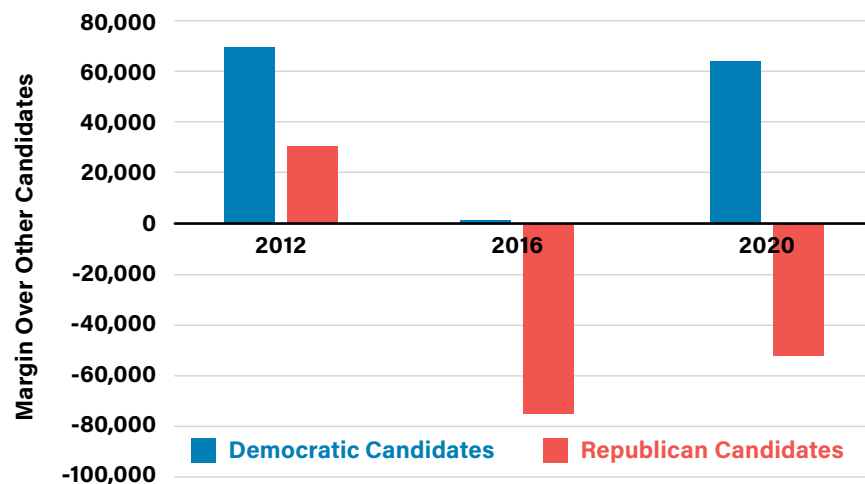
Given the varying numbers in previous election cycles, the question is whether this is evidence of fraud. The hypothesis that ballot drop-off indicates fraud is perhaps facially implausible. Ballot drop-off is a well-known phenomenon. One would have to assume, moreover, that a fraudster decided to manufacture votes for Joe Biden and leave down ballot offices alone. That's possible, but not particularly plausible.

In addition, the evaluation of drop-off is complicated by the variance in write-in and third-party votes. Each time a voter casts a write-in or third-party vote for president and then votes for one party's congressional candidate, that will result in one under-performance vote for that party's presidential candidate. There were far fewer third-party votes in 2020 than 2016 as the Green Party candidate was left off the ballot, and

there was no independent candidate (like Evan McMullin in 2016) who made a strong appeal to GOP-oriented voters.

Votes for a third party presumably contributed less to increase underperformance or reduce overperformance than in 2016. We do not believe that one can infer the likelihood or even suspicion of anything untoward from Biden overperforming and Trump underperforming their respective congressional delegations. Both may reflect a great deal of animus toward Trump as an individual candidate. Whether or not one believes this animus is deserved, there is little doubt that it exists.

On a statewide level, Trump managed to overperform Republican candidates largely in rural, less populated counties in the Western half of the state. However, these margins of overperformance were not enough to make up for his underperformance in the Eastern half of the state. For example, Congressman Mike Gallagher received 11,173 more votes than Trump in Brown County and 6,603 more in Outagamie County. In Waukesha County, Congressmen Bryan Steil and Scott Fitzgerald combined to receive 7,897 more votes than Trump. Figure 16 depicts these splits by county, with Trump underperforming in red counties and overperforming in green counties.

Figure 16. Trump Performance Relative to Republican Congressional Candidate
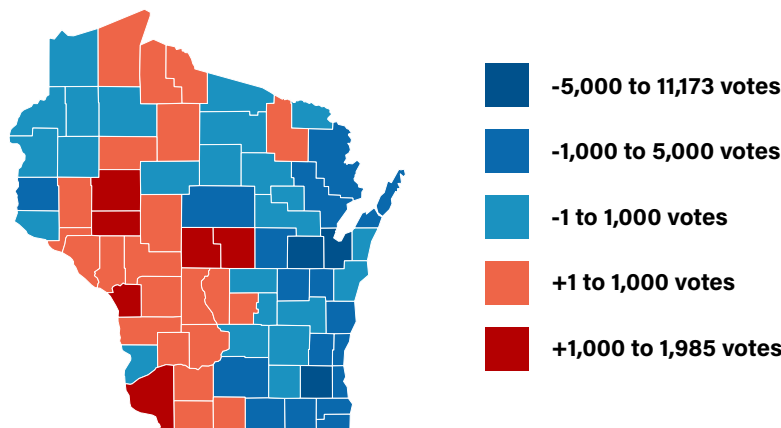
Nevertheless, we decided to take a deeper dive on this topic by looking at specific wards rather than the state as a whole.

Table 27 lists the wards in the state with the largest positive differences between the vote proportions for each presidential candidate and their congressional co-partisans. For example, in the City of Milwaukee Ward 171, President Trump received 36 votes while the Republican congressional candidate received only 12:

$$Trump\ Gap = \frac{(36 - 12)}{36} = 0.667$$

Table 27. Gap in Vote Between Presidential Candidate & Congressional Candidate

Largest Democratic Gaps		Largest GOP Gaps	
C Appleton Ward 41	39.08%	C Milwaukee 171	66.67%
C Milwaukee Ward 315	36.62%	C Milwaukee 145	60.00%
T Bagley Ward 1	30.00%	C Milwaukee 113	59.09%
C Appleton Ward 22	29.03%	C Milwaukee 170	54.00%
T How Ward 2	28.89%	C Milwaukee 51	52.00%
T Peshtigo Ward 6	27.43%	C Milwaukee 146	50.00%
V Wrightstown Ward 4	27.03%	C Milwaukee 116	50.00%
T How Ward 1	26.47%	C Milwaukee 121	45.45%
T Peshtigo Ward 5	26.39%	C Milwaukee 63	45.00%
T Genessee Ward 3	26.19%	C Milwaukee 62	43.48%
V Suring Ward 1	25.86%	C Milwaukee 161	42.86%

On the Republican side, the most interesting finding is Trump's overperformance in many Milwaukee wards. The top 10 wards where Trump outperformed the congressional nominee are all in Milwaukee. This is consistent with the narrative that Trump improved performance among urban voters, as discussed in the preceding sections.

On the Democratic side, of most interest is Milwaukee Ward 315, due to the large number of votes for Biden which did not also include votes for incumbent Congresswoman Gwen Moore. In Milwaukee 315, Biden received 256 more votes than Gwen Moore. This is not consistent with any pattern from 2016. This ward along with Milwaukee 171 were selected for further examination in the statistical analysis.

RAW VOTE CHANGE

By looking at all of the wards in the state, it is possible to account for the complete change in votes between 2016 and 2020. Table 28 shows the top 10 wards in the state where Biden and Trump each gained the most votes.

Table 28. Raw Vote Shift by Ward

Ward	Biden/Hillary Shift	Ward	Trump Change 20/16
Madison - C 0107	1217	**Fox Crossing - V 0006**	376
Madison - C 0106	866	**Fox Crossing - V 0007**	311
Madison - C 0009	829	**Madison - C 0107**	299
Madison - C 0045	709	**Fox Crossing - V 0003**	293
Milwaukee - C 0183	576	**Green Bay - C 0004**	286
Madison - C 0041	559	**Sussex - V 0002**	268
Fitchburg - C 0018	554	**Fox Crossing - V 0005**	263
Madison - C 0098	533	**Oconomowoc - C 0001**	252
Milwaukee - C 0186	528	**Hartford - C 0013**	250

The largest source of new Biden votes was Madison Ward 107. In this ward, Biden gained over 1,000 votes. Note that this ward also showed the third largest vote gain for Trump at 299, suggesting that this is a high growth ward.*

The largest vote gains for Trump were in the Village of Fox Crossing. WILL requested voting materials from the top two wards in which each candidate gained the most votes.

WILL also requested voting materials from the top ward in terms of the raw vote gap between presidential candidate and congressional candidates among wards where each candidate received more than 60% of the vote. These top wards are shown in Table 29. In City of Madison Ward 9, presidential candidates received 85 votes more than congressional candidates. In the Town of West Bend, Ward 1, presidential candidates received 120 votes more than congressional candidates.

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*   One might think that in a state with relatively stagnant population growth, most moves happen within state, meaning a redistribution of the vote rather than changes to it. However, this is not necessarily the case. Census data from 2017-2019 shows more than 53,000 moves into the state from other states over that time frame, meaning the composition of the voting population can change.

Table 29. Raw Congressional/Presidential Vote

Biden Wards	Raw Vote Gap	Trump Wards	Raw Vote Gap
Madison - C 0009	85	West Bend - T 0001	120
Monona - C 0001	73	Matteson - T 0001	104
Madison - C 0107	71	Hartford - C 0005	73
Madison - C 0097	70	Ottawa - T 0001	57
Fox Point - V 0008	62	Ixonia - T 0002	57
Madison - C 0098	58	Muskego - C 0006	52
Milwaukee - C 0186	58	Ottawa - T 0003	50
Milwaukee - C 0183	56	Sussex - V 0002	46
Madison - C 0053	55	North Prairie - V 0002	43
Madison - C 0079	55	Maplehurst - T 0001	43

MANUAL REVIEW OF BALLOTS

From the statistical analyses and the raw vote analyses, WILL requested voting materials from wards that were of most interest to consider for a ward-level analysis. WILL added two further analyses as well. First, some have made the case that Trump lost because of shifting voting patterns in the WOW counties (Washington, Ozaukee, and Waukesha). WILL also requested voting materials from the largest wards in those counties to determine if the reported totals match what was found in a hand count, and if there is evidence that many conservative voters are ticket-splitters. Green Bay, which also played a critical role in determining the election outcome, was the subject of scrutiny based on the involvement of private individuals from the Center for Tech and Civic Life in the election process.[56] WILL requested voting materials from the five wards in Green Bay that flipped from Trump in 2016 to Biden in 2020.

From each of the wards identified for deeper analysis, WILL made open records requests for the associated ballots, ballot envelopes, and election inspector statements. We gathered a group of 10 employees and volunteers. After printing the ballots, the 10 split up into groups to classify ballots into categories based on votes for President and Congress. WILL split the votes into stacks based on specific combinations of presidential and congressional vote. For instance, a vote for Joe Biden and a Democrat for Congress would be in a different stack than a vote for Biden and a Republican for Congress. These stacks were then counted by a scanner and matched to the election results for that ward from the LTSB.

Following are the results from WILL's in-depth review of the wards identified above.

Appleton Ward 22

Reason Reviewed: Trump's loss of vote share was higher than predicted.
Total Presidential Votes: 106

Table 30. Trump Vote Change in Appleton Ward 22

Year	Trump Vote	Trump %	Total Votes
2016	32	80.0%	40
2020	73	68.8%	106
Δ 2016-2020	+41	-12.2%	+66

While this was a ward that underwent substantial growth between 2016 and 2020, it was still worth examining given its extreme deviation in this report's modeling. WILL sent an open records request to Appleton for a copy of all of the ballots cast in Ward 22.

The ballots received correctly added up to the number of votes reported by LTSB. The story here appears to be a high number of crossover voters who voted for Joe Biden at the presidential level and Republican Congressman Mike Gallagher at the congressional level. Table 31 shows the breakdown of vote-splitting in this ward incorporating votes cast for incumbent (and victorious) Republican Congressman Gallagher and Democratic challenger Amanda Stuck.

Table 31. Appleton 22 Vote Breakdown

Ballot Combo	Voting Method	Count
Trump/Gallagher	Absentee	37
Trump/Gallagher	In-person	33
Biden/Stuck	Absentee	14
Biden/Gallagher	Absentee	8
Biden/Stuck	In-person	8
Biden/Gallagher	In-person	3
Third Party	Absentee	1
Third Party	In-person	1
Trump/Stuck	In-person	1
No President/Gallagher	In-person	1

Straight-ticket voting was the most prevalent, as might be expected. 70 voters voted for both Trump and Congressman Gallagher. But 11, or 10.4% of voters voted for Joe Biden and Mike Gallagher, while another voter left the presidential section blank and voted for Gallagher. In a ward that is ostensibly 80% Republican given the vote at the congressional level, Trump underperformed by about 10%. This likely accounts for the discrepancy in the district. WILL did not identify any ballots that looked to have been filled in systematically, nor an inordinate number of absentee envelopes that were cured.

Fox Crossing Wards 6 and 7

Reason Reviewed: Largest raw vote gain for Trump.
Total Votes: 2,512

Fox Crossing is among the communities in the state which combine some wards for reporting. The numbers that resulted from WILL's hand counts vary greatly from what was reported by LTSB. The numbers for Ward 6 are reported below:

Table 32. Hand Count / Official Result Discrepancies in Fox Crossing Wards 6 & 7

	Hand Count	LTSB	Gap
Biden	248	539	-291
Trump	631	659	-28

Similar gaps exist in Ward 7. This dramatic gap for Biden, and to a lesser extent for Trump, led WILL to reach out to the community.

What seems to be at issue here is the manner in which municipalities combine wards for counting. Fox Crossing was able to pull out the votes in Wards 6 and 7 that were done in-person, but absentee votes were counted at a central counting facility. Consequently, they were not able to separate out those votes for WILL to recount. Without that level of disaggregation, WILL was unable to make any further assessment of the vote counts. This speaks to the need for all municipalities to report results at the ward level—among the many suggestions for improving election practices found at the end of this study.

Green Bay Wards 8, 37, 39, 41, and 43

Reason Reviewed: Wards shifted from Trump in 2016 to Biden in 2020.
Total Presidential Votes: 4,698

Over the last decade, the Fox Valley and Northeast Wisconsin have become a bellwether for statewide elections. Typically, the candidate that wins this region will carry the state, and as the largest city in the region, Green Bay plays an important role in this calculus. Between 2016 and 2020, Green Bay saw a significant shift towards Democrats at the top of the ticket. Hilary Clinton won Green Bay by 3.3 percentage points in 2016, a margin that grew to an 8.3-point victory for Joe Biden in 2020. Because of these shifts, and reports of potential impropriety between the City of Green Bay and the CTCL, WILL decided to review the five wards that shifted from Trump in 2016 to Biden in 2020.

Table 33. City of Green Bay Election Results (2016-2020)

Year	Trump Votes	Trump %	DEM Votes	DEM %	3rd Party Votes	3rd Party %	Total Votes
2016	19,821	44.7%	21,291	48%	2,772	6.3%	44,340
2020	21,125	44.8%	25,036	53.1%	857	1.8%	47,128
Δ 2016-2020	+1,304	+0.1%	+3,745	+5.1%	-1,915	-4.5%	+2,788

To ensure the authenticity of the ballot scans received, one WILL team member was present in Green Bay on August 4 and 5 to oversee the scanning of sealed ballots from the wards in question. The activity began at 9:00 AM on August 4, when the first sealed box containing ballots was opened under the supervision of a WILL staffer and Brown County Clerk Patrick Moynihan, Jr., an elected Republican. Neither was allowed to handle the ballots in any way. Two county employees conducted the scanning, with one grouping unsealed ballots into stacks of 10 each, and the other feeding the stacks into the machine. The scanning commenced shortly after 9:00 both days, continued until noon, and resumed at 1:00 until either 4:00 (August 4) or until the last of the ballots were scanned (August 5). A new-in-package flash drive was placed into the machine at the start of each day prior to scanning and handed over to WILL at the end of each day with image files of all of that day's scanned ballots.

Next are the results of the hand count of the Green Bay wards.

Table 34. Hand Count's Presidential Tallies for Five Green Bay Wards

Ward	Trump Count	Biden Count	Total Pres. Votes
Green Bay Ward 8	832 (-2)	894 (+4)	1751
Green Bay Ward 37	426 (+1)	450 (0)	886
Green Bay Ward 39	608 (0)	692 (-1)	1331
Green Bay Ward 41	238 (+1)	242 (-1)	489
Green Bay Ward 43	570 (-1)	648 (+2)	1241

Overall, WILL ended up with one fewer Trump vote across these wards and four additional votes for Biden. These discrepancies fall within the expected margin of error for a hand count. Having found no overt evidence of fraud, the story here appears to be wards that are generally highly competitive routinely flip back and forth. Indeed, three of these wards (37, 39, and 43) supported Obama over Romney in 2012.

We did see evidence of ticket-splitting in this ward as well. 435 voters selected Biden and Gallagher while only 68 voted for Trump and the Democratic candidate, Stuck.

Madison Ward 9

Reason Reviewed: Raw discrepancy between congressional and presidential vote.
Total Votes: 2,999

In this ward, WILL aimed to determine if there were about 85 votes where the voter selected a presidential candidate but not a congressional candidate. This was confirmed to be the case. The number of such votes identified matched exactly the number that was reported by LTSB.

Table 35. Presidential-only Votes in Madison Ward 9

Category	Count
Trump Only	22
Biden Only	52
Third Party/Write in Only	11
Total	85(0)

This is one of the largest wards in the state, with 2,999 total votes at the presidential level. The proportion of presidential-only votes, approximately 2.8%, is not far off of what was seen in other wards even though the absolute number was higher.

Madison 107

Reason Reviewed: The largest raw vote shift towards President Biden over Hillary Clinton occurred in this ward; also, it was among the largest vote gains for Trump.
Total Votes: 2,761

Table 36. 2016-2020 Vote Shift in Madison Ward 107

Year	Democratic Vote	Dem %	Total Votes
2016	874	68.3%	1,279
2020	2091	75.7%	2,761
Δ 2016-2020	+1,217	+7.4%	+1,482

WILL acquired ballot images for this ward through a publicly available resource from the Dane County Board of Elections.[57] The count of ballots in this ward, reported in Table 37, is close to that provided by LTSB. This report includes a break-down for (successfully re-elected) incumbent Democratic Congressman Mark Pocan and Republican challenger Peter Theron.

Table 37. Madison 107 Vote Breakdown

Ballot Combination	WILL Count	LTSB Difference
Biden/Pocan	1964	--
Trump/Theron	569	--
No Presidential	3	--
Trump Only	30	--
Biden Only	48	--
Trump/Pocan	15	--
Biden/Theron	83	--
Biden/Write-In	1	--
Trump/Write In	1	--
Total Trump	**615**	**614(+1)**
Total Biden	**2,096**	**2090(+6)**

WILL's count of votes was very close to that of LTSB. WEC counted 2,090 votes for Biden, while WILL's count had his total at 2,096. LTSB has Trump's total at 614, while WILL counted 615. As above, these differences are well within the expected margin of error for a hand-count of ballots.[58]

Mequon Wards 1 & 2

Reason Reviewed: Investigation of WOW counties' swing towards Democrats.
Total Votes: 2,173

These wards were chosen to examine the theory that an underperformance of President Trump among regular GOP voters helps to explain his loss in the state. First, WILL's vote totals for this ward match the results reported in LTSB relatively closely. WILL identified seven more votes for Biden and four more votes for Trump. Table 38 shows a further disaggregation of the split-ticket voting in the ward. In this ward, Jessica King was the Democratic congressional nominee while Glenn Grothman was the (successfully re-elected) Republican Congressman.

Table 38. WILL Hand Count Results: Mequon Wards 1 & 2

Ballot Combination	WILL Count
Trump/King	17
Biden/Grothman	103

There is a relatively large advantage for Biden among ticket-splitters here. Since Biden received a total of about 979 votes in these wards, about 10.5% of Biden voters also voted for Grothman, while King received votes from only about 2.1% of Trump's 1,166 voters. The ticker-splitters in these two wards yielded Biden a net gain of 86 votes. This is consistent with the narrative that Trump, for whatever reason, turned off some elements of the Republican electorate who might otherwise vote for the Republican nominee.

Milwaukee Ward 171

Reason Reviewed: Unusual vote gain for Trump not similar to neighboring wards; high number of presidential-only votes for Trump.
Total Votes: 147

Table 39. 2016-2020 Vote Shift in Milwaukee Ward 171

Year	Trump Votes	Trump %	Total Votes
2016	6	3.9%	**147**
2020	36	24.4%	**153**
Δ 2016-2020	**+30**	**+20.5%**	**-6**

Unlike the preceding analyses, the results of WILL's inspection here did not provide any deeper understanding of the election outcome. WILL's count of the votes for each candidate fell within the acceptable margin of error for a hand count.

Table 40. WILL Hand Count Results: Milwaukee Ward 171

Trump Count	35 (-1)
Biden Count	107 (0)

The vote for President Biden matched exactly, while the vote for President Trump was off by one vote. Although there is no definitive evidence, WILL speculates that this was the result of an effective ground game that increased turnout from 2016. Again, the ward remained heavily Democratic, and there is only a small number of absolute votes in play (12 in 2016 compared to 36 in 2020). This means that small changes in turnout can be magnified. That said, this ward featuring an unusual vote pattern favoring Trump was the most curious outlier identified in this analysis.

Milwaukee Ward 315

Reason Reviewed: The gap between the presidential and congressional candidates was greater than predicted.
Total Votes: 1,300

Table 41. Milwaukee Ward 315 Results

Biden Votes	699
Moore Votes	443
Gap	**Biden +256**

WILL acquired ballot images for this ward and went through them by hand. It appears that the votes for the two major-party congressional candidates (Democratic Congresswoman Gwen Moore and Republican congressional nominee Tim Rodgers) were significantly undercounted in this ward. Table 42 lists the number of votes for each as reported by LTSB and the count that WILL arrived at.

Table 42. Milwaukee 315 Congressional Vote Breakdown

Candidate	LTSB Report	WILL Count	Net Change
Gwen Moore	443	660	**+217**
Tim Rodgers	400	548	**+148**

Both Moore and Rodgers were shortchanged a substantial number of votes in this ward. The net effect of including these votes would have been to increase Moore's margin of victory slightly. The presidential votes, meanwhile, both fell well within the acceptable margin of error. Biden's vote count matched exactly, while WILL tabulated two additional votes for Trump.

What happened here? The media reported that a box of uncounted ballots was discovered in this ward during the recount on November 24th.[59] This box contained 386 ballots; in all likelihood, this explains the 365 additional votes that were detected. It appears that these new ballots were counted in the presidential recount, but not in the congressional race (which was not under recount).

While this finding does not alter the results of the presidential election in any meaningful way, it does reveal that issues do occur during the ballot counting process and that transparency and checks on the process are vital to America's democracy.

Waukesha Ward 36

Reason Reviewed: Investigation of WOW counties' swing towards Democrats.
Total Votes: 2,446

This ward was chosen to examine the theory that an underperformance of President Trump among regular GOP voters, such as those in the WOW counties, helps explain his loss in the state.

WILL's vote totals for this ward from the City of Waukesha closely match the results reported in LTSB. We identified two fewer votes for Biden and two additional votes for Trump. Table 43 shows a further disaggregation of the split-ticket voting in the ward. In this ward, Tom Palzewicz was the Democratic congressional nominee, while Scott Fitzgerald was the Republican.

Table 43. WILL Hand Count Results: Waukesha Ward 36

Ballot Combination	WILL Count
Trump/Palzewicz	16
Biden/Fitzgerald	103

Similar to other wards examined, there were far more ticket-splitters in the direction of Biden and a Republican for Congress than in the direction of Trump and a Democrat for Congress. Biden netted approximately 87 votes among ticket-splitters in this Waukesha County ward. Overall, about 4.8% of the voters in this ward split their ticket.

Town of West Bend Wards 1-5

Reason Reviewed: Raw discrepancy between presidential and congressional vote & WOW county deep dive.
Total Votes: 2,712

In Ward 1 of the Town of West Bend (in the WOW county of Washington), 120 more votes were cast at the presidential level than at the congressional level—the largest disparity in the state in districts where one candidate won by a wide margin (in this case, Trump) according to the LTSB report. Unfortunately, WILL received all five wards together with no way to separate them, so we conducted a review of all five wards aggregated. Table 44 shows the number of votes cast for each presidential candidate only across the five wards.

Table 44. WILL Hand Count Results (Presidential-only): West Bend Wards 1-5

Category	Count
Trump/No Congress	37
Biden/No Congress	41
Third Party/ No Congress	2
Total	**80**

The number of presidential-only ballots identified by WILL was off by 40 compared to the LTSB report. This could be the result of how West Bend reports its data, with all eight wards combined. While generally very accurate, the LTSB data relies on a disaggregation of data to the ward level, which makes estimates about the distribution based on the voting age population. Because so many wards are combined in this instance, the estimates may be further off than in other cases. Additional work could be done to clarify the discrepancy, but it is beyond the scope of this analysis.

Because this ward was also part of the WOW counties examination, WILL further looked into the extent of ticket-splitting in these wards. Those results are depicted in Table 45.

Table 45. WILL Hand Count Results (split-ticket): West Bend Wards 1-5

Ballot Combination	WILL Count
Trump/Palzewicz	27
Biden/Fitzgerald	122

WILL found a similar pattern seen in other WOW county wards, with more split-ticket voting in favor of Biden. Biden netted about 95 votes among ticket-splitters in the Town of West Bend.

SUMMARY OF FINDINGS

WILL was not able to identify any large-scale election fraud through this review process. Ballot counts were all found to be relatively close to what was reported by WEC and LTSB. The one exception was Milwaukee Ward 315, which was explained by the box of missing ballots whose tallies were incorporated into presidential results but not congressional ones.

Ticket splitting is relatively rare, though for an election that garners millions of votes, even a minor phenomenon involves thousands of ballots. WILL found that ticket-splitters broke heavily for Biden in the wards examined.

# One More Check: Shifting Demographics and Partisan Allegiance

In addition to turnout changes, votes for third-parties and presidential "over" and "under" performance, we looked for anomalies in the pattern of support for each party. Brian Kind of BK Data Strategies performed this analysis, as follows.

Figure 17 shows Trump's 2016 presidential results by each community in relation to its range of recent GOP performances. To do that, it uses a metric called Demonstrated Swing Performance (DSP). A DSP score close to 0% means that the measured candidate performed close to the worst prior candidate's performance; a score closer to 100% means that they performed closer to the best prior performance. (Scores above or below 100% and 0% mean they set a new record, respectively above or below any prior performance during that period.)

Literally, DSP is the percentage of vote obtained of the swing range of each geography, where the "swing range" is defined as the range between the maximum and minimum prior percentages gained. So for example, if a candidate gained 65% of the vote in a community in which the best prior performance was 75% and the worst prior performance was 55%, their DSP score would be 50%, 65% being halfway between 55% and 75%. Simply put, DSP expresses how much of the vote share that is "in play" a new candidate captures for any given geography.

This analysis measures Trump against the swing range defined by all top-of-ticket (presidential and gubernatorial) candidate performances in the "pre-Trump" period of 2004 to 2014. This map uses dark red to indicate a performance greater than any previous Republican, and dark blue to represent a performance worse than any previous Republican. Varying shades in between represent the degree to which Trump's 2016 performance was closer to the top or bottom of that scale, with yellow being closest to the average. For each figure, the number in the top right corner represents the statewide margin of victory, with blue numbers representing a Democratic victory and red numbers representing a Republican victory.

## Figure 17. Trump Performance Compared to GOP Benchmarks, 2016
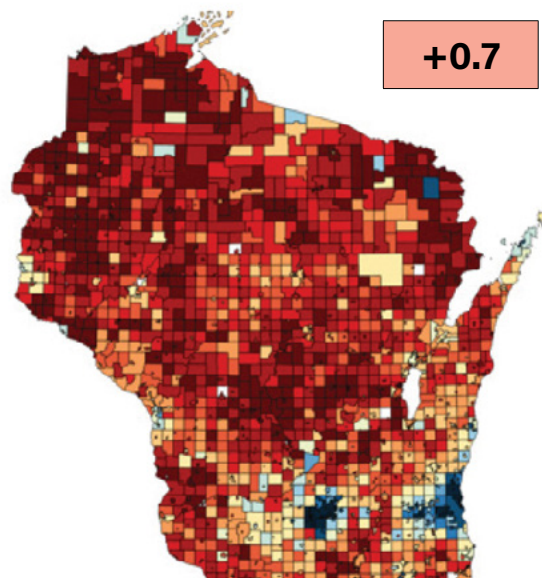
Note here Trump's historical strength in the more rural parts of the state as compared to his historical weakness not only in the big urban centers of Milwaukee and Madison, but in the Republican-friendly southeastern suburbs (especially the WOW counties) and his more average performance in the Fox River Valley (Green Bay to Fond Du Lac) urban and suburban centers.

In the 2020 map, depicted in Figure 18, the basic urban-versus-rural-versus-suburban historical contours remain recognizable, but now with somewhat greater support in rural communities and decreased support in an expanded zone of suburban locations. The Fox River Valley suburban areas in particular look slightly less Republican against historical performance.

Figure 18. Trump Performance Compared to GOP Benchmarks, 2020
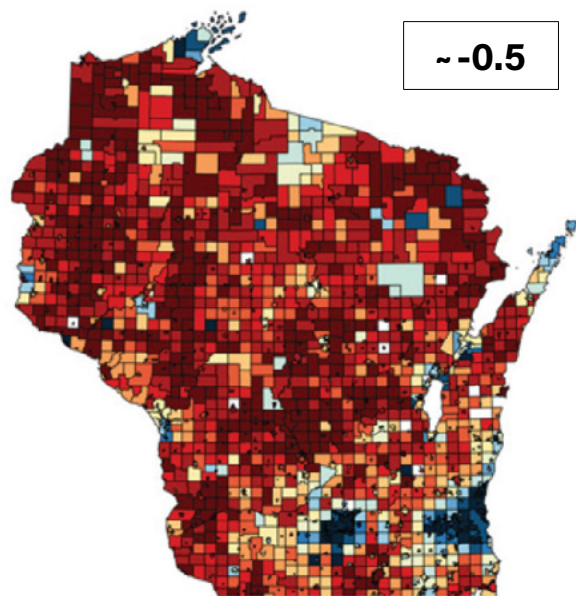
What is important here, with an eye toward potential fraud or irregularity, is that Trump's 2020 performance in the suburbs, both in general and in the WOW counties specifically, was not without precedent. His numbers were aligned with trends that appeared in 2016. A more casual Trump-friendly observer of the 2020 election may have been surprised to see Republican support at such historical lows in places like Waukesha County, but this is relatively consistent with the lower level of support in such areas in 2016. Figures 19 and 20 show the Republican turnout and margin of victory in the WOW counties over the past four election cycles.

Figure 19. Aggregate Republican Turnout, WOW Counties
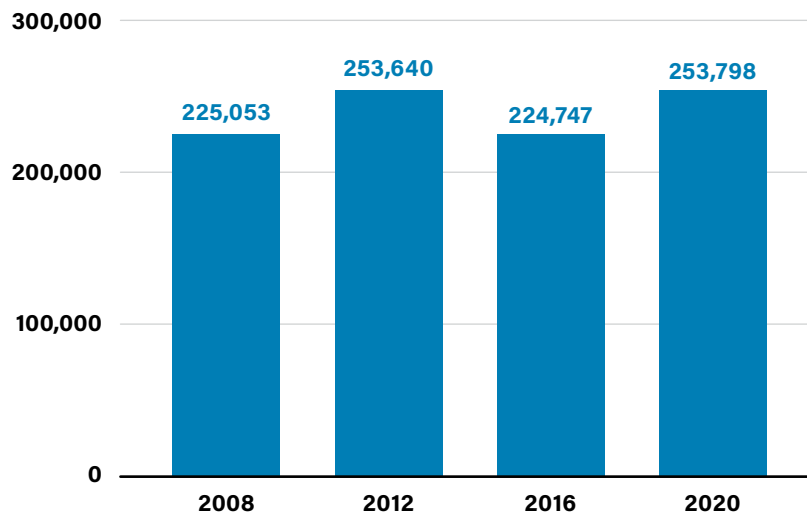
Figure 20. Net Republican Margin Over Democrats, WOW Counties
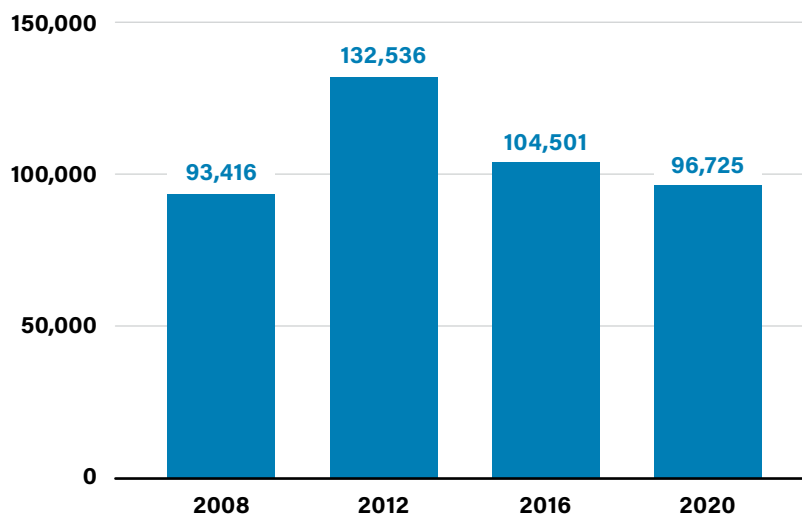
The high-water mark for Republican dominance in these counties over the past four elections was Mitt Romney's run in 2012. His margin of 132,536 votes was about 26,000 more than Trump's margin in 2016 and about 36,000 more than Trump's margin in 2020. Trump was able to overcome a worse WOW county performance in 2016 with his higher rural margins. However, his performance in 2020 was only slightly better than that of John McCain—who was blown out in Wisconsin in 2008—and it may have been too much to overcome. This is borne out in the percentages of the vote received by Republicans in each election. Table 46 shows the Republican share of the vote over the last four elections.

Table 46. GOP Vote Share in WOW Counties, 2008-2020

	2008	2012	2016	2020
Ozaukee	60.00%	64.80%	57.10%	55.40%
Waukesha	62.00%	67.00%	61.60%	59.70%
Washington	64.00%	69.60%	67.80%	68.40%

Vote share dropped significantly for Trump relative to McCain and Romney in both Ozaukee and Waukesha counties. From the high mark of 2012, Trump's 2020 support in Ozaukee County was more than eight percentage points lower. In Waukesha County, about eight percentage points were also lost. Washington County appears not to be subject to these trends, but maintained or increased Republican support in Trump's elections relative to previous Republican candidates. This is perhaps indicative of the more rural nature of parts of Washington.

As shown in Figure 21, even the intervening gubernatorial election of 2018 showed similar voting patterns, suggesting a consistent trend by geography types toward respectively higher and lower comparisons to the previous decade. Though Walker's support was a bit softer in the rural areas (when compared to either of Trump's elections), his support was stronger in the more suburban areas (though decreased compared to his prior support in his previous elections of 2010, 2012, and 2014).

Figure 21. Governor Walker's 2018 Performance Compared to GOP Benchmarks
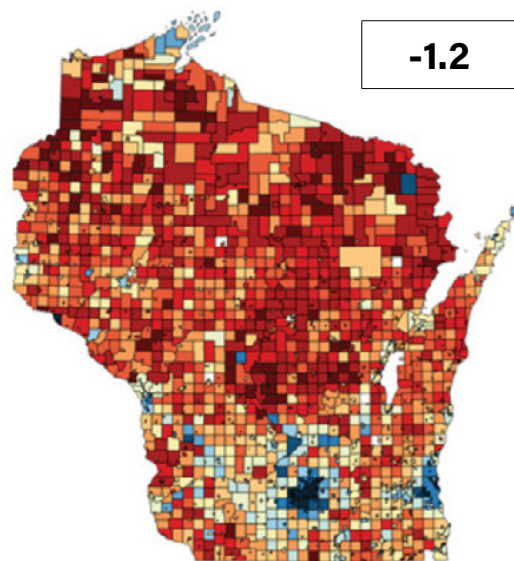
The "Trump Era" of 2016 to 2020 saw historically high rural GOP support, coupled with average to record levels of Democrat support in suburban areas, when compared to the previous decade.

CONSISTENCIES BETWEEN COMMUNITY TYPES WITHIN WISCONSIN

One could view decreased GOP support in places like the Fox Valley suburbs as potential locations for suspicious voting activity. Or, alternatively, could the increased net gain by Democrats in areas like the democratic stronghold of Madison or the largely red Waukesha be similarly indicative?

The historical comparison maps above reveal that types of communities tend to behave in similar patterns. Rural areas act like their rural neighbors for the most part. And suburban areas, surrounding more urban centers, tend to rise and fall similarly. (Again, it is important to remember that these maps do not show party vs party support, but rather measure that election's Republican support compared to Republican support in the previous decade. For example, the 2004 election would show Bush's performance around Madison as dark red, as Bush's was the highest Madison performance for any Republican in that time period.)

The fact that in 2020 Trump performed relatively poorly in suburban Green Bay and Appleton is consistent with similar levels of poorer performance in suburban Milwaukee, La Crosse, Eau Claire, Madison, and Minneapolis (suburban areas on the Wisconsin side near Hudson). WOW county urban centers also performed more or less in unison within each election. (Note the commonality of lighter to darker blue on these mappings.)

In each Trump election, midsized, more blue-collar urban centers (Green Bay City, Kenosha, Janesville, Oshkosh, Fond Du Lac, Manitowoc) generally performed within the average range. The Western urban centers of Eau Claire and La Crosse performed slightly below average.

CONSISTENCIES BETWEEN COMMUNITY TYPES IN OTHER MIDWESTERN STATES

This urban, suburban, rural pattern remains remarkably consistent throughout the midwestern states. Wisconsin's community-type performance has been highly consistent with its counterparts in neighboring states.

A regional heat map for the 2016 election shows an obvious pattern, as depicted in Figure 22.

Figure 22. 2016 Trump Performance to Prior GOP History
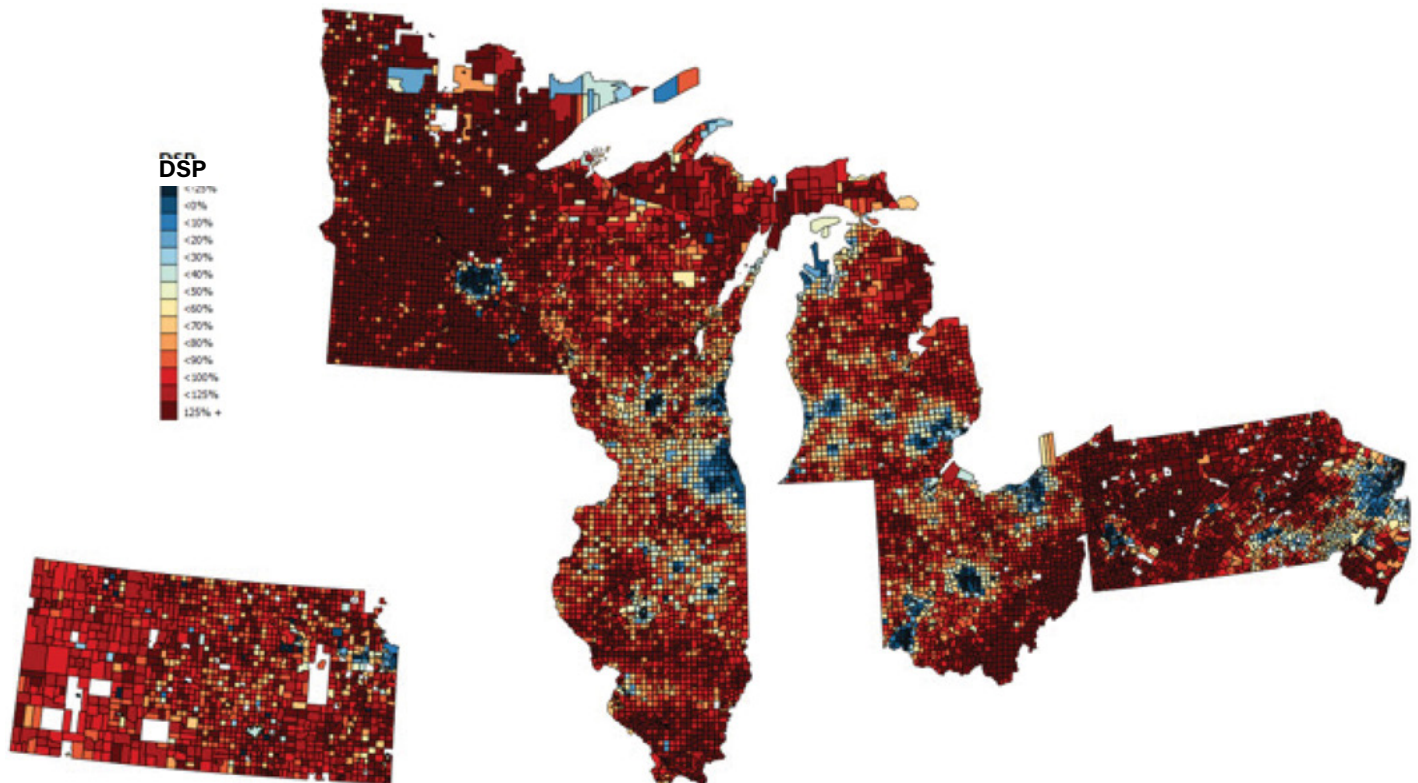
Note the consistency of Trump's appeal across rural areas, and in particular those that are more remote and less affluent. Likewise, it's evident that in major urban centers, almost throughout, Trump performed at historic lows compared to the Republican top-of-ticket performances from the preceding 10 years.

All of this, in the context of voter fraud, again indicates that Trump's 2020 results in Wisconsin, by general community type (urban, suburban, rural), are consistent with the general performance levels of the "Trump Era."

The comparison of Wisconsin's past three elections may not eliminate the possibility of voter fraud, if "irregularities" appeared across all 3 elections, masking malicious activity. However, a similar voting pattern exists even in non-competitive states like Illinois and New Jersey ("Safely Dem" in 2016) and Kansas ("Safely GOP" in 2016), which seems to preclude that likelihood. Mass-coordinated voter fraud, sufficient enough to produce historical lows in Madison and Waukesha, would have to be carried out in all states in similar geographical communities, even in states unlikely to be at play.

Given this high unlikelihood, what remains is the simpler explanation that President Trump engendered historic appeal in the more remote rural parts of the country, including Wisconsin. And he lost more appeal in the major urban centers and their surrounding suburbs. His appeal in the more blue-collar urban centers remained on average with historical Republicans.

VOTE SHARE INCREASES AND DECREASES BY COMMUNITIES WITHIN WISCONSIN

"Vote share" means the share of the total votes cast in a particular election by residents of areas that fall into a particular category. Vote shares by geography within Wisconsin have been remarkably consistent, with fluctuations usually a mere percentage point when measured by population size or general historical partisan support.

Table 47 shows vote shares for communities grouped by population size, going back to 2004. Note for each row, especially for all years prior to 2020, how consistent each category's share of the total statewide vote has been.

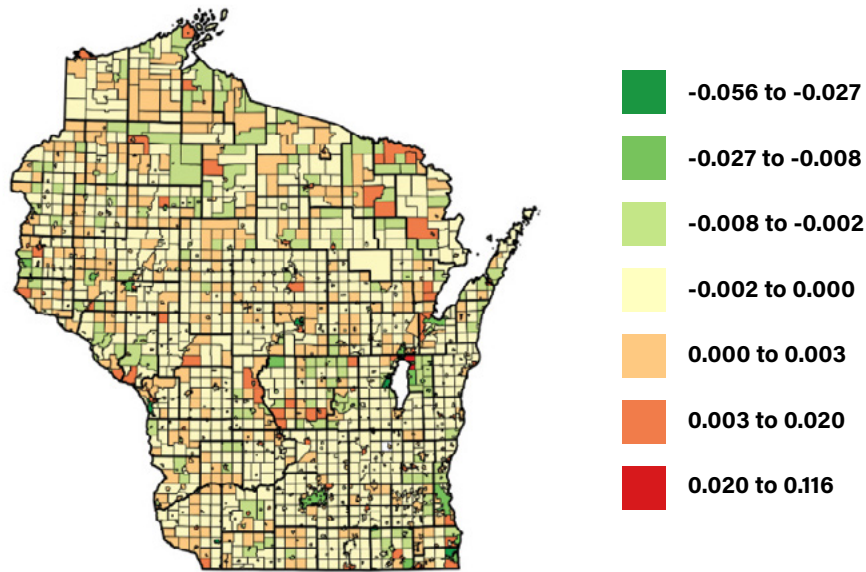### Table 47. Top-of-Ticket Vote Share by Population Size of the Community

Turnout Share	2020 %	2018 %	2016 %	2014 %	2012 %	2010 %	2008 %	2006 %	2004 %
>250k	12.5%	13.6%	13.5%	13.7%	14.3%	13.8%	14.6%	13.6%	14.6%
>50k	11.0%	11.2%	11.3%	10.8%	11.6%	10.9%	12.0%	11.7%	12.2%
>25k	9.6%	9.8%	9.6%	9.8%	9.8%	10.3%	9.7%	10.0%	9.8%
>15k	9.1%	8.8%	9.0%	8.9%	8.9%	9.0%	9.0%	9.1%	8.9%
>10k	6.4%	6.4%	6.3%	6.2%	6.2%	6.3%	6.4%	6.4%	6.1%
>5k	13.0%	13.0%	12.8%	12.8%	12.5%	12.7%	11.8%	11.8%	11.3%
>1k	27.4%	26.8%	26.6%	27.0%	26.0%	26.2%	25.9%	26.4%	26.1%
<1k	11.1%	10.5%	10.9%	10.8%	10.7%	10.8%	10.6%	11.1%	11.0%

Each row on this table is color-coded green to red, with green indicating lower levels of vote share and red higher. What is distinct about the 2020 presidential election (and to a lesser degree the 2016 election) is how smaller-sized communities generally increased their share of the electorate at the expense of larger cities. Again, this is not to overstate the degree of this shift. The increases in smaller population communities are slight and the decreases in the urban areas are slight as well.

But still, these shifts show that smaller, more Trump-friendly communities increased their turnout relative to the Democrat-friendly urban centers, and smaller-sized areas slightly increased their share to record highs, while larger-sized communities shifted their share down or to record lows.

Looking at each individual county, one can also note the bigger picture in which large urban centers like Madison, Milwaukee, and Green Bay lost vote shares to their lower-population surroundings. The map in Figure 23 shows, county by county, those communities that gained or lost vote shares within their respective county. Communities in green lost relative vote shares, while communities in red gained relative vote shares.

Figure 23. County by County Vote Shares, 2020 Compared to 2018 and 2017 Averages

■	-0.056 to -0.027
■	-0.027 to -0.008
■	-0.008 to -0.002
■	-0.002 to 0.000
■	0.000 to 0.003
■	0.003 to 0.020
■	0.020 to 0.116

Note again how larger urban centers lost vote shares relative to the respective smaller communities within their county. Only the more "suburban" mid-level cities (see Waukesha, Burlington, Oconomowoc, West Bend, Manitowoc, Fond du Lac, etc.) increased their share relative to the more rural townships, though most rural townships held relatively even (yellow) or slightly improved (light orange). That said, there is some evidence of improved Biden numbers in urban counties that is worthy of investigation. Figures 24 and 25 below show the same information for Milwaukee and Dane County, as Figures 19 and 20 did for the WOW counties.

Figure 24. Aggregate Democratic Turnout, Milwaukee and Dane Counties
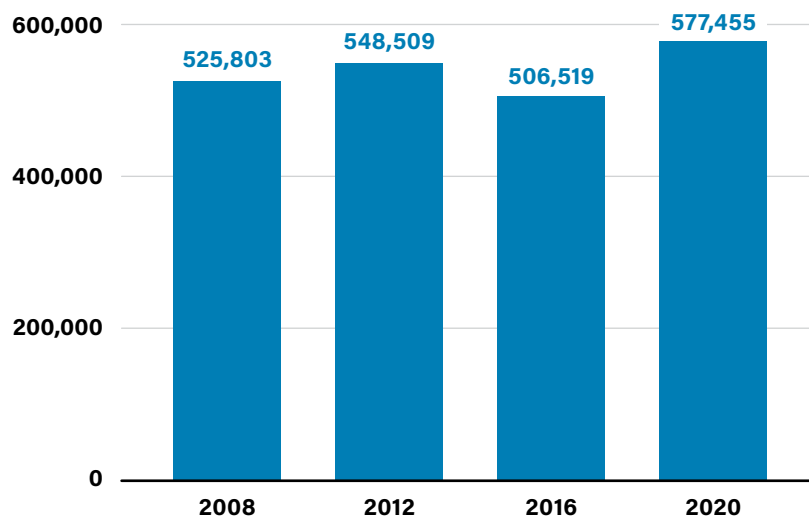
Figure 25. Democratic Vote Margin over Time, Milwaukee and Dane Counties
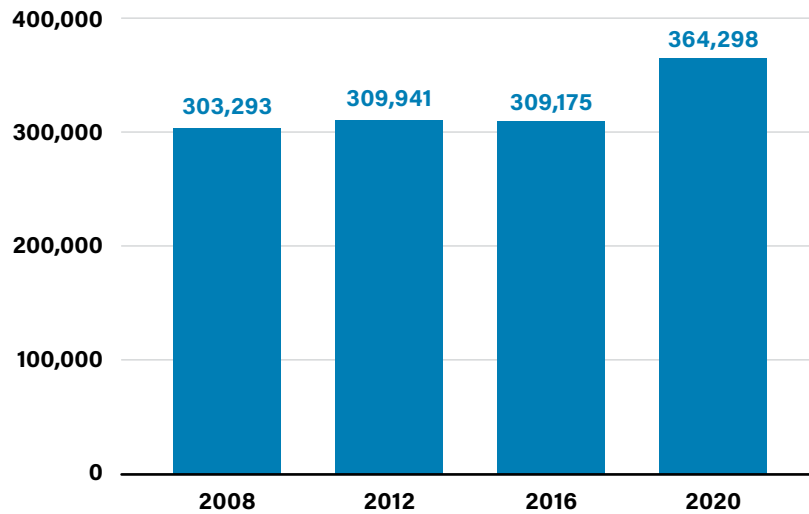
Across elections, the Democratic vote margin in these communities was fairly consistent—close to 300,000 votes that Republicans have to make up in the remainder of the state. However, this jumped significantly in 2020, with President Biden earning more than 50,000 votes between the two counties than Hillary Clinton did in 2016. Much of this growth comes from Dane County. While Biden's vote margin in Milwaukee was smaller than Barack Obama's in either 2008 or 2012, it was larger than any Democratic candidates in Dane County over the four elections under consideration here. This may not be surprising given Dane County's growth over the past ten years.[60] One cannot, however, rule out the possibility that things like "Democracy in the Park" or indefinite confinement claims provided an opportunity for fraud in Dane County; but the data is consistent with a more innocuous explanation.

Figure 26 shows the two-party vote share for Dane and Milwaukee counties over time. This is the percentage of total votes statewide that were collected by Democrats and Republicans from those counties in each election.

Figure 26. Two-Party Vote Share, Milwaukee & Dane Counties 2004-2020
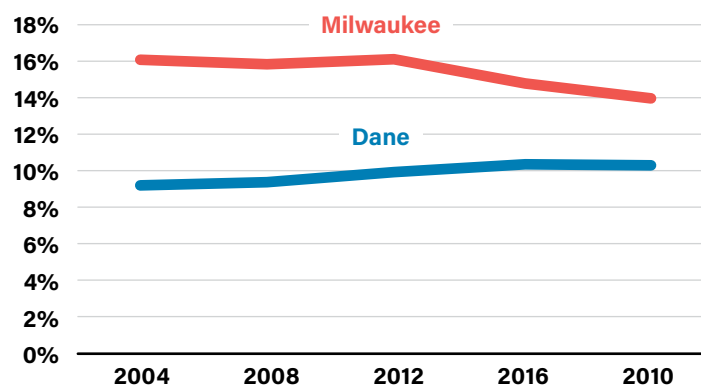
It may surprise some that the vote share of Milwaukee County has generally declined slightly over time. As the City of Milwaukee endures population decline, the county as a whole is becoming a slightly less potent force in state politics. This has been countered by gains in the vote share of Dane County, which has grown from about 9% of the electorate in 2004 to 10.5% in 2020.

In general, the 2020 presidential election appears to be relatively in line with recent voting trends, both within Wisconsin and in neighboring states. It is important to note that this level of analysis does not completely rule out the existence of voter fraud, either at the margins in tiny numbers (such as the four cases of ballot harvesting suspected earlier) or such that may be unnaturally well-coordinated and widespread across all geographies. But it is safe to say that these findings reveal no evidence of "mid-level" voter fraud, as is often imagined, e.g., a few bad actors in Milwaukee stuffing enough ballot boxes to sway an election.

Note, again, that this is not to say that such malicious activity is not possible, or that Wisconsin's electoral system is invulnerable to such activity in the past or future. Some recommendations below speak to potential security vulnerabilities. And, as has been covered in this report, the *most* likely sources of election problems were not with coordinated efforts to create fake voters or changing votes in voting machines, but rather with heterogeneity in voting practices, and potentially illegal activities on the parts of elections officials that made it easier for those in predominantly Democratic areas of the state to have their voice heard. What follows are some policy recommendations to address these overarching problems.

The Bottom Line

Our bottom line is that, while we found little evidence of "fraud," we did find that a substantial number of votes were not cast in accordance with legal requirements. While we could not find evidence that these votes were "fraudulent" in the sense of being cast by ineligible voters or nonexistent voters—particularly in numbers large enough to change the winner—the total number of votes cast unlawfully could have affected the outcome.

It is possible, for example, that the use of drop boxes made the difference. It is also possible that the injection of private funding for election administration—funding what was disproportionately directed to Democratic areas—contributed substantially to the Biden margin. The widespread, and potentially improper, use of "indefinitely confined" status, and the failure to follow up with voters who fail DMV checks, or the failure to keep voter rolls up to date also could have had significant impacts. Other failures, such as the conduct of absentee voting at nursing homes in a way that was not authorized by law, may have had a more limited impact but undercut confidence in the fairness of the election.

We were able to disprove certain suspicions regarding the election—such as a ballot dump in Milwaukee, manipulation of voting machines, votes exceeding the number of voters, etc. We do not believe the election was "stolen." But it was not adequately secure. Reform is required. We can do better.

Policy Recommendations

Throughout our review, WILL identified various concerns, vulnerabilities, and practices around the state that are not uniform in nature. In this section of the report, we recommend actionable items for the legislature to adopt that will improve election security and uniformity while increasing access for voters to participate in a lawful manner.

WEC REFORMS

1. Bipartisan Legal Counsel and Staff

When WEC replaced the often-maligned Government Accountability Board (GAB) in June 2016, much of the staff from the GAB transitioned to the new entity, including their initial interim Administrator Michael Haas and current Administrator Megan Wolfe. As is often the case with administrative agencies based in Madison, political appointees, such as those who serve on the Wisconsin Elections Commission, are often subject to bureaucratic capture, often basing decisions on the opinions of career bureaucrats.

When WEC was created, it was done with the acknowledgment that partisanship is an inherent aspect of elections, and that creating an evenly split board of Republicans and Democrats would force compromise or allow the status quo to continue. WILL proposes that the legislature create a bipartisan staff and two legal counsel positions within WEC that would be appointed by Republican and Democrat commissioners respectively. The New York State Board of Elections follows a similar model, but instead has bipartisan Co-Executive Directors that run the agency.[61] By creating these bipartisan positions, commissioners from each party will have the opportunity to receive staff support and opinions, thus allowing for a more balanced perspective.

2. Require Guidance and Communications to Clerks to Be Sent to JCRAR

In the lead-up to the 2020 election, WEC made a number of impactful decisions by issuing guidance and communicating to clerks around the state. These include guidance on the suspension of special voting deputy requirements,[62] which people can claim indefinitely confined status,[63] and the use of absentee drop boxes.[64] Additionally, in 2016, WEC issued guidance on the standards for curing defective absentee ballots.[65] WILL is of the opinion that much of this guidance ran contrary to the plain language of the law and should have been promulgated through the rules process.

WILL proposes that any statewide guidance or communications sent to clerks should be forwarded to the Joint Committee for Review of Administrative Rules (JCRAR), who may then decide whether the guidance should be promulgated through the Emergency Rules process. If JCRAR decides that particular guidance should be promulgated, WEC would then have 30 days to submit an emergency rule. At that point, JCRAR could decide whether to suspend said rule (in theory indefinitely).

3. Require Joint Responsibility Between WEC and Municipalities for Voter Registration List Maintenance

In April 2021, the Wisconsin Supreme Court (in a case brought by WILL) ruled that although WEC receives the ERIC information, and the Help America Vote Act of 2002 (HAVA) requires Wisconsin 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," * it falls to municipal election officials, not WEC, to deactivate the registration status of electors who leave their municipality.† Wis. Stat. § 6.50(3) should be amended to require WEC to do so.

In this system, WEC would have the responsibility to maintain the voter list based on data received from ERIC. This would include sending postcards to voters flagged by ERIC and deactivating those registrations. Local governments would still bear the responsibility for deactivating moved voters using information obtained from another source.

The state's membership agreement with ERIC also specifies that states should periodically request data from ERIC and are "strongly encouraged" to do so at least once per year.[66] The statute should be amended to specify that this request should at minimum, be made annually, and that data from ERIC should be deemed a "reliable" source of information that would trigger a postcard being sent.

4. Use HAVA Checks to Update Voter Rolls

As referenced earlier in this report, nothing is done when a voter's registration fails a check against the state's DMV database. The practical effect of this means that our registration rolls are riddled with errors and individuals who are no longer eligible to vote. WILL proposes updated procedures that would regularly update voter registration lists for failed HAVA checks. With easily accessible online and same-day in-person registration, this reform would be a prudent move towards ensuring accurate voter rolls. We propose the following:

Step 1: If a voter's registration information does not match DMV or Social Security Administration records, it is flagged in the WisVote system. This would alert local clerks who would then be required to take action.

Step 2: Local clerks may correct a mismatched name, due to misspelling, name variation (I.e. Bob versus Robert), nickname or a missing suffix (Jr. Or Sr.). According to WEC, this accounts for 63% of all mismatches.[67] However, clerks must maintain a publicly available list of all name mismatches they correct (along with address), including the original name of the registration and the correction made by the clerk.

Step 3: For the remaining voters that are not corrected, within 60 days following an election clerks would have to send a letter alerting the voter that their registration information did not match records. Voters would then have 30 days to correct their information, or their name would be flagged.

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*   52 U.S.C. s. 21083(a)(1)(A).

†   *State ex rel. Zignego v. Wisconsin Elections Comm'n,* 2021 WI 32, ¶6, 396 Wis. 2d 391, 957 N.W.2d 208.

Step 4: Voters whose registration is not corrected would consequently have their registration flagged and be notified that their registration is flagged. To remove this flag, voters would be informed that they must reregister online or in-person either in advance of or on the day of the election. Wisconsin's online voting registration system completes these checks in real time, only allowing completion after all fields match.

5. Changes to WEC Complaint Process

Under current law, if a voter believes an election official has violated the law, they must first file a complaint with WEC, who then must dispose of the complaint before the voter can take their case to circuit court. There is no statutory requirement for WEC to ultimately dispose of complaints in a required time period, which could potentially lead to a delay in important legal questions being answered in a timely manner before an election. The legislature should adopt language that requires WEC to dispose of a complaint within 60 days. For cases that need more time for investigation, the commission could extend this timeline for an additional 60 days with a majority vote, and only if there is good cause that can be explained in writing by the commission.

Also, according to the LAB audit, of the 34 complaints filed with WEC between January 2020 and June 2021, 25 were dismissed by the administrator in consultation with the Chairperson.[68] While the chair position rotates between Democrats and Republicans, allowing staff to dismiss complaints while only consulting a commissioner of one party seems unfair. Moving forward, WEC should consult with a commissioner of each party before complaints are dismissed, preferably the Chair and Vice-Chair.

Sometimes, WEC is the ultimate defendant in these cases, so there is little incentive for an expedited disposition. In cases where the complaint is against WEC, there should be an option to appeal directly to circuit court. Regardless of one's thoughts on the various election law cases over the past few years, the need for timely resolution of election disputes is important to ensure that laws are properly followed and that voters to have greater faith in the system.

DROP BOXES

As an organization, WILL has taken the position that the use of drop boxes is not legally permissible under Wisconsin law, even though their use around the state was widespread. If the use of drop boxes continues moving forward, the legislature should explicitly authorize their usage and adopt uniform standards. Here are four standards WILL suggests be implemented by the legislature if they choose to authorize the use of drop boxes:

1. Drop Box Security and 24-Hour Video Surveillance

To prevent the potential for stolen or damaged absentee ballots, the legislature should set minimum security standards for drop boxes. Boxes should be made of a material that is secure and both tamper

and moisture resistant. Boxes should also be equipped with a lock, bolted to the ground, and be under 24-hour video surveillance. As stated earlier, WEC's drop box guidance encouraged municipalities to partner with libraries to use their book and media drops for ballot collection. This practice should not be allowed moving forward. Giving anyone other than the clerk's office access to absentee ballots presents an opportunity for impropriety.

2. Require Two Employees to Pick Up Drop Box Ballots

To limit opportunities for impropriety when collecting absentee ballots, and to ensure accurate counts, the state should require that each municipality have two employees present for drop box ballot collections. Many of the communities reviewed here already employ this practice, including Madison, Milwaukee, and New Berlin.

3. Institute Standardized Chain of Custody Logs

The review of chain of custody logs revealed that many communities using drop boxes did not maintain a chain of custody log. The state should require that all municipalities that use drop boxes maintain a chain of custody log. These logs should contain all the pertinent information to ensure that the ballots were handled properly, including, but not limited to, the location of the drop box, the names of employees collecting ballots, security bag seal serial numbers, and the date and time of collection and delivery. Also, the number of ballots collected should be noted at the time of collection, and then verified by the clerk's office when delivered.

The City of Milwaukee included a step-by-step checklist on drop box collection responsibilities on their forms, presumably to ensure that no steps were missed. The City of Madison included a statement that employees would sign acknowledging that no absentee ballots were altered, added, or removed from the carrier bag, and that falsifying this statement could lead to civil or criminal legal penalties. Adding these to chain of custody logs would be prudent best practice, which could limit mistakes and will alert employees that nefarious behavior could result in a legal penalty.

4. Use Security Bags

In conjunction with chain of custody logs, employees collecting ballots from drop box locations should use tamper-free security bags specifically designed for ballot storage and collection. These bags include security seals with unique serial numbers and security features that can alert a clerk if the seal was tampered with. Upon delivery to the clerk's office, the used seal should be applied to the chain of custody log for record keeping purposes. This requirement could be waived for any drop boxes connected to or located within the building in which the clerk's office is located.

PRIVATE FUNDING OF ELECTION ADMINISTRATION

For better or worse, Wisconsin is a state with extremely decentralized elections. In many small towns, elections officials hold full-time, regular jobs in addition to their electoral responsibilities. These individuals simply do not have the time to seek out every potential election grant that is being made available. To the extent that private funding can increase turnout—which this research found—it is fundamentally unfair to voters in these areas that they do not have the same opportunity to realize these benefits.

Moreover, even if it is granted for argument that CTCL acted objectively, there is nothing under current law to stop a clearly partisan actor from strategically funding election administration in the future. Two proposals—an outright ban on private funding of elections, or a requirement that state elections administrators distribute any private funds received by municipalities directly—would be a reasonable solution here. The latter was sent to Governor Evers along with other election reforms, but was vetoed.[69]

BALLOT HARVESTING

Currently WEC has opined and informed clerks that ballot harvesting is legal under Wisconsin law. WILL disagrees with this conclusion and is challenging ballot harvesting in the same case in which it is challenging drop boxes. Wis. Stat. 6.87 (4) (b) provides that an individual's absentee ballot "be mailed by the elector, or delivered in person," making no exceptions for someone else to deliver the ballot. However, it is known from research and other reports that many ballots were delivered by individuals other than the voter in 2020, creating the potential for fraud. Reforming this system is popular: 65% of Wisconsinites favor a proposal that would prohibit political activists from collecting ballots and delivering them to an elections office, according to a poll commissioned by WILL. WILL recommends that the legislature clarify that ballot harvesting is illegal.

That said, WILL recognizes that there may be some circumstances in which another individual delivering another's ballot is appropriate, such as for one's spouse or immediate family. Senate Bill 203,[70] one of the election reform bills passed by the legislature and vetoed by Governor Evers, represents a well-reasoned approach to the issue. The bill clarifies who can drop off a ballot for another person, including children, grandchildren, siblings and spouses.

ABSENTEE BALLOT CERTIFICATE CURING

While it is WILL's opinion that absentee ballot curing is currently illegal under state law, it was still widely used in the 2020 and prior elections. If the practice of curing defective absentee ballots is going to continue in Wisconsin, it must be done in a manner that is consistent, equitable, predictable, and lawful. 87% of Wisconsin voters support a requirement that the same curing practices be used by all clerks, according to WILL's recent poll. This ensures that a person's vote has an equal chance of being counted regardless

of where they reside. If the legislature decides to allow this practice to continue, they should adopt the following policies:

1. Determine and Set a Standard of Ballot Curing

As stated earlier, clerks use different standards when determining what and when to cure. Some will only correct minor address defects, such as a missing state or ZIP Code, while others will input an entire address. The legislature should determine a standard of curing that can be adopted statewide. WILL suggests a standard that requires a clerk to correct defects in the witness address of one or more of the following: a missing city, state, or ZIP Code, but nothing further. To ensure this standard is consistently applied across the state, WILL further suggests a "duty to cure" this missing information.

2. Standardize Absentee Ballot Envelopes

In WILL's review of absentee ballot envelopes, WILL found that municipalities that included detailed information on the address line appeared to have lower rates of error by witnesses. For example, the City of Kenosha includes detailed information below the witness address line, with specific spots for a house number, street name, city, state, and ZIP Code. WILL found very few instances of defective or cured ballots, and suspects the reason was the user-friendly design of the envelopes. These envelopes should also include a space for the witness to print their name. Most signatures are illegible and cannot be traced back to a particular address.

3. Require Any Marks by Clerk's Office to Be Marked in Red Ink and Initialed

Clerks should use only red ink in correcting defects on absentee ballots. While many offices say this is what they did, this was not always the case. The clerk should also initial where any absentee ballot cures are made. While somewhat redundant, initialing will reduce any potential for confusion if a voter or witness used an ink color that was not blue or black.

4. Require All Cured Absentee Envelopes to Be Logged into Absentee Ballot Log

Lastly, clerks should be required to also note in their absentee ballot log each time an absentee ballot envelope is cured. This practice would make it easier for interested election observers to locate cured absentee envelopes and ensure clerks complied with the law. The absentee ballot log is a record of all absentee ballots issued, and includes the voter's name, address, other identifying information, as well as when ballots were sent and received.

TRANSPARENCY

Among the most challenging problems in conducting this review was the acquisition of the necessary data from WEC. Because WEC is primarily concerned with data for the next election, they claim they do not keep snapshots of important data such as the state voter file and voter status as of Election Day ("Active," Inactive, "Indefinitely Confined," etc.). At minimum, WILL recommends that the following information be preserved for future election reviews:

1. **Monthly Snapshots of Voter File and Election Day Snapshot**

Citizens should have the ability to track the movement of voters over time using complete data on the state of the voter rolls. Currently, one can only acquire the rolls in their current, real-time state. The name, on-file address, and voter status ("Active," Inactive, "Indefinitely Confined," etc.) should be available on a monthly basis, if not more frequently. In addition, a snapshot should be made on Election Day.

2. **Voter File Should Be Available to the Public at No Cost**

According to the National Conference of State Legislatures (NCSL), at least two states currently make the voter file free to anyone to access—Arkansas and Nevada.[71] Currently in Wisconsin, acquiring the voter file costs $12,500, meaning that only the wealthiest or those with substantial resources can find the most basic information about Wisconsin's voter rolls. State law should be changed to make this file available to anyone who requests it.

3. **All Data Should be Available at the Ward Level**

Some municipalities in the state combine several wards in their reporting of election results. This presents challenges for investigators. For instance, in the review conducted here of West Bend, this report was only interested in taking a look at the results from Ward 1, but received five wards intermingled to examine. Full transparency requires that investigators be able to isolate the votes from each ward in the state. To avoid the additional costs for local election officials in printing unique ballots in each ward, ballots in areas that use combined reporting could include a spot where poll workers input the voter's ward, thus allowing the ballots to be sorted by ward if needed after the election.

4. **Create Municipal-Level Election Statistics Reports**

Within 30 business days after the certification of the election, municipal clerks should prepare and submit a report to WEC highlighting pertinent election statistics from their community. WEC would then be required to post these reports to a publicly accessible website. To vouch for their accuracy, the municipal board of canvassers would ideally review these reports prior to their submittal. Much of this information is already required to be submitted to WEC after an election. At a minimum, these reports should include the following information for each community:

1. **Number of registered voters.**

2. **Number of new voters that registered between previous election and election day.**

3. **Number of same day registrations.**

4. **Number of votes cast, differentiated by the following:**

    a. Absentee by mail

    b. In-person absentee

    c. In-person on election day

5. **Number of provisional ballots cast and accepted.**

6. **Number of recreated ballots, differentiated by:**

    a. Military & Overseas

    b. Damaged

    c. Other

7. **Number of rejected absentee ballots and reason for rejection.**

8. **Number of "cured" absentee ballot certificates.**

9. **Number and address of absentee ballot drop boxes.**

10. **Number of ballots cast via drop box.**

11. **Hours for in-person absentee voting.**

12. **Locations of facilities utilizing special voting deputy process.**

13. **Number of votes cast using the special voting deputy process.**

14. **Number of registration list alerts by type and dispensation.**

15. **Number of HAVA check flags and reason, and whether those voters were removed.**

16. **Detailed reports of any inconsistencies in the reconciliation of votes.**

Compiling these statistics into a centralized document will allow interested election watchers to easily search for potential issues.

5. Cast Vote Record Transparency

When a ballot is deposited into most modern optical scan tabulators, it creates a digital cast vote record, which is an image file of the scanned ballot. In addition to maintaining the original ballots for the 22-month statutorily required timeframe,* counties should post images of ballots on their website for the public to review. This way, both individuals and third-party groups can conduct self-directed surveys of the election. Dane County adopts this as a best practice, posting ballot images of all communities that utilize optical scan tabulators.[72] The legislature should require counties that have electronic cast vote records to post these documents on their website.

INDEFINITELY CONFINED LIST

Wisconsin's indefinitely confined exception to voter ID requirements law is ripe for exploitation, particularly now that it has been the subject of extensive media attention. As noted in the text of the paper, many voters have remained in indefinitely confined status since the 2020 election, and it is as easy as clicking a box for others to join them in subsequent elections. To ensure greater security, Wisconsin should develop a tightened indefinitely confined standard, while still giving voters options in accessing this process.

The solution to this problem is to require medical documentation in order to apply for such status. At least seven states, including Connecticut,† Nevada,‡ and Louisiana,§ require some form of medical documentation to obtain permanent absentee status. Legislation introduced in Wisconsin would create a similar requirement, albeit only for voters under the age of 65.[73]

Further, the law should specify that voters must show ID if they possess one, or explain why they cannot physically obtain a valid ID. The legislature should also create a statutory timeline for removing non-voters from the indefinitely confined list. Under current law, if an indefinitely confined voter fails to cast and return a spring, general, or special election ballot, the clerk must send a first-class letter or postcard informing the voter that they will be removed from the indefinitely confined list unless they apply for renewal within 30-days. This is a prudent policy. However, the statutes do not define when clerks must complete this task. We propose amending Wisconsin law to require clerks to send this letter within 30-days after the election. By updating the indefinite confinement list within 60 days following an election, this will ensure that the list is accurate prior to the following election, and limit the opportunity for impropriety.

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*   52 USC 20701.

†   Connecticut (§ 9-140e).

‡   N.R.S. § 293.3165.

§   "PROGRAMS FOR VOTERS WITH DISABILITIES, SENIOR CITIZENS AND NURSING HOME RESIDENTS," Louisiana Secretary of State, Accessed November 1, 2021, from https://www.sos.la.gov/ElectionsAndVoting/Pages/DisabledElderlyCitizens.aspx.

UNIFORM IN-PERSON ABSENTEE HOURS

It is fundamentally unfair that access to in-person absentee voting varies based on where in Wisconsin someone lives. A resident of Wausau should have the same access to the polls as someone in Milwaukee. A logical policy fix here is to establish uniform statewide hours for in-person absentee voting that apply to each municipality throughout the state. 76% of Wisconsinites supported such a measure in WILL's statewide poll.

The legislature would establish those hours in state law. One possibility would be to use the average amount of hours currently offered from every municipality to set the uniform statewide requirement. This could mean an increase in hours in some locations and a decrease in hours for others—resulting in equal access to in-person absentee voting statewide.

ALLOW "MONDAY PROCESSING" OF ABSENTEE BALLOTS

Much of the concern around the results of the 2020 election in Wisconsin circled around late-night/early-morning reporting of large numbers of absentee ballots in Democratic-leaning communities that rely on central count processing, such as Milwaukee, Green Bay, and Kenosha. When these results were reported, it swung the count from Trump to Biden's favor, ultimately creating distrust in the absentee voting process (as discussed earlier). This timing happened because state law does not allow the reporting of results from central counts until all ballots have been processed.*

Rates of absentee voting have continually increased from election to election, and there is little indication that this trend will slow. Because of the additional steps involved, it takes an election worker additional time to process an absentee ballot, making it more difficult to count ballots in a timely manner. To limit the distrust created by "late-night ballot dumps," Wisconsin should adopt a law that allows clerks to begin processing absentee ballots on the Monday before the election.

To limit the potential for "leaked results", this process should be limited to steps taken up until a ballot is actually fed into a tabulator. This would include opening the envelope, checking both the absentee certificate and the ballot to ensure they are complete, checking a voter's eligibility, issuing a voter number, and logging the voter into the poll book.† Upon processing a ballot, election workers would then place the ballots into secure ballot bags, so that ballots could then be counted on Election Day. Because many communities can successfully process ballots on Election Day, the "Monday Process" should be optional for most communities. Legislators could consider making it mandatory for communities that use central counts, as they are often the most delayed in reporting results.‡

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*   Wis. Stat. § 7.52 (7).

†   See the full procedure for processing absentee ballots in WEC's *Election Day Manual.* https://elections.wi.gov/sites/elections.wi.gov/files/2020-11/Election%20Day%20Manual%20%282020-09%29.pdf

‡   For the 2020 election, Milwaukee, Green Bay and Kenosha were the latest to report final results. They all use a central count to

Currently, at least 17 states allow some form of pre-processing of absentee ballots, including Arizona, Florida, North Carolina, and Ohio.[74] Florida allows pre-processing and counting of ballots up to 22 days before the election, while Colorado allows 15 days before Election Day. Montana, Nebraska, and Vermont all allow counts to start the day before the election, similar to what is recommended here.

REDUCE APPEARANCE OF LATE-NIGHT BALLOT DROPS IN CENTRAL COUNT COMMUNITIES

While the appearance of late-night ballot dumps could largely be solved by allowing a "Monday Process," another way to fix this issue is to require communities that use central count to report results as they are completed.

Additionally, communities using central count should be required to create separate reporting precincts for the in-person and absentee counts. During both the 2018 gubernatorial election and the 2020 presidential election, Milwaukee County reported that high percentages of their precincts had reported, creating the appearance that the county's count was largely complete. However, as is now commonly known, central count ballots in the City of Milwaukee had not been reported. By splitting the central count and in-person into separate precincts, the public will have a more accurate representation of what has been completed. This will help reduce the appearance of impropriety moving forward.

process and count absentee ballots.

Appendices

APPENDIX 1. THE LEVERAGE RESIDUAL MODEL

Here is the leverage residual model. The first component of this technique is statistical leverage—a measure of how far an observed value is away from other observations in the dataset. However, this is not sufficient to make a claim that an observation is a true outlier because its extreme value may actually be reasonable when considered in the context of the model (e.g., what the model predicts the value for that observation to be).

Figure 27 represents a Leverage Versus Residual Plot for the Democratic share for Biden by ward in Wisconsin's 2020 general election, regressed against the share of African-Americans in the ward and a measure of the general size of the municipality. The plus and minus signs following the ward name indicate whether the observation was an unusually high share of the vote for Biden or an extremely low share. Some of the most extreme examples are tagged, but for ease of reading not all labels are included.

Figure 27. Leverage vs Residual Plot for Biden's Vote
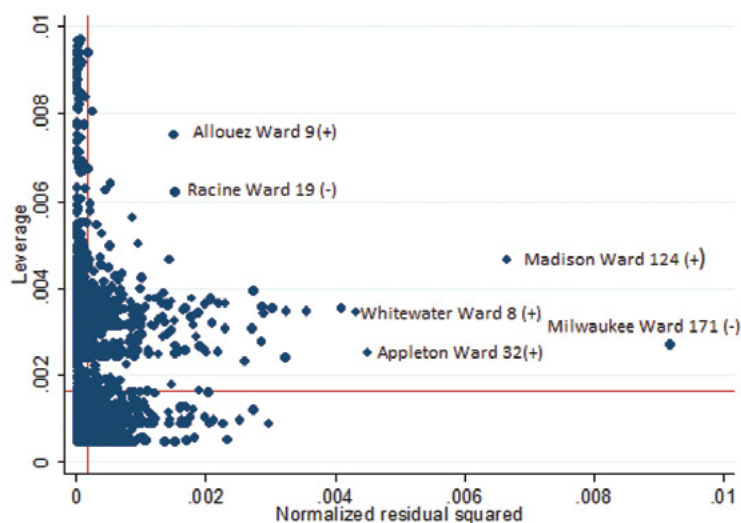
As can be seen, a number of wards in the state would be worthy of further examination based on the results here. In Madison Ward 124, the turnout share for Biden relative to Hillary Clinton increased by approximately 19% between 2016 and 2020. That said, as noted previously, this ward represents farmland that became suburban developments between the two elections. More interesting may be a ward like Allouez Ward 9, which saw a shift in turnout of approximately 9% but with a more normal amount of overall turnout growth between elections.

APPENDIX 2: "FUNNEL" MODEL FOR HAND ANALYSIS

Limited time for in-person reviews meant that WILL had to apply a funnel approach to those wards identified as statistical outliers. Here are all the wards that showed up in either model as outliers, so that others may have the opportunity for further investigation.

Table 48. Wards that Showed up as Outliers for Any Perspective

Wards in ≥ 1 model	Wards in ≥ 1 model (ctd.)	Wards in ≥ 2 models	Wards not dismissed
C Milwaukee Ward 171	T Seymour Ward 1	C Appleton Ward 32	C Milwaukee Ward 315
C Appleton Ward 22	C Milwaukee Ward 151	C Madison Ward 124	C Appleton Ward 22
C Appleton Ward 32	C Milwaukee Ward 155	T Menominee Ward 2	
C Madison Ward 124	C Oshkosh Ward 33	C Whitewater Ward 8	
T Menominee Ward 2	C Milwaukee Ward 156	V Hollandale Ward 1	
C Whitewater Ward 8	C Sun Prairie Ward 24	C Milwaukee Ward 228	
V Hollandale Ward 1	C Milwaukee Ward 162	C Milwaukee Ward 315	
C Milwaukee Ward 228	C Milwaukee Ward 121	C Appleton Ward 22	
V Wheeler Ward 1	C Milwaukee Ward 149	C Milwaukee Ward 171	
C Kenosha Ward 40	C Milwaukee Ward 110		
C Milwaukee Ward 240	C Fox Crossing Ward 13		
C Milwaukee Ward 231	C Whitewater Ward 12		
V Clyman Ward 1	C Milwaukee Ward 130		
C Milwaukee Ward 238	C Oshkosh Ward 3		
C Milwaukee Ward 232	C Madison Ward 58		
C Milwaukee Ward 170	C Madison Ward 56		
T Skanawan Ward 1	C Fox Crossing Ward 9		
C La Crosse Ward 15	C Whitewater Ward 7		
T Russel Ward 2	C Eau Claire Ward 20		
C Madison Ward 59	V Fox Crossing Ward 9		
T Russel Ward 1	C La Crosse Ward 8		
C Ashland Ward 1	C Appleton Ward 2		
C New Berlin Ward 7	V Fox Crossing Ward 3		
T Lapointe Ward 1	V Fox Crossing Ward 6		
V Harrison Ward 15	V Fox Crossing Ward 5		
T Murry Ward 1	C Madison Ward 107		
C Ladysmith Ward 5	V Wright Crossing Ward 4		
T Leola Ward 1	C Kenosha Ward 75		
V De Soto Ward 1	V Fox Crossing Ward 1		
V Merrimac Ward 1	C Allouez Ward 9		
C Milwaukee Ward 230	C Racine Ward 19		
C Milwaukee Ward 254			

APPENDIX 3: MUNICIPALITIES SAMPLED FOR ELECTION PRACTICES SURVEY

Table 49. Municipalities Sampled for Election Practices Survey

20 Largest Municipalities (County) *Population*	Municipalities with Population of 37,000 to 7,500	Municipalities with Population of 2,000 to 7,499	Municipalities with Populations Under 2,000
C-Appleton (Outagamie) 74,139	C-Ashland (Ashland) 7,843	T-Buchanan (Outagamie) 7,201	T-Birchwood (Washburn) 428
C-Brookfield (Waukesha) 38,358	C-Kaukauna (Outagamie) 16,270	C-Evansville (Rock) 5,440	V-Blue Mounds (Dane) 986
C-Eau Claire (Eau Claire) 68,187	C-Menasha (Winnebago) 17,873	T-Manitowoc Rapids (Manitowoc) 2,150	T-Clyde (Iowa) 306
C-Fond Du Lac (Fond Du Lac) 42,909	C-Neenah (Winnebago) 26,300	T-Onalaska (La Crosse) 18,943	T-Deerfield (Waushara) 2,532
C-Green Bay (Brown) 104,777	V-Plover (Portage) 13,099	V-Osceola (Polk) 2,642	T-Hancock (Waushara) 417
C-Greenfield (Milwaukee) 37,099	V-Richfield (Washington) 11,854	T-Stockton (Portage) 6,652	T-Highland (Iowa) 842
C-Janesville (Rock) 64,245	C-Ripon (Fond Du Lac) 43,263	V-Sturtevant (Racine) 6,652	T-Hughes (Bayfield) 383
C-Kenosha (Kenosha) 99,688	V-Somers (Kenosha) 8,371	T-Tainter (Dunn) 2,319	T-Parkland (Douglas) 1,240
C-La Crosse (La Crosse) 51,666	C-Sparta (Monroe) 9,832	T-Washington (Eau Claire) 1,903	T-Sanborn (Ashland) 1,331
C-Madison (Dane) 254,977	V-Waukesha (Waukesha) 8,899	T-West Salem (La Crosse) 5,015	V-Lone Rock (Richland) 814

V-Menomonee Falls (Waukesha) 37,160			
C-Milwaukee (Milwaukee) 594,548			
C-New Berlin (Waukesha) 39,718			
C-Oshkosh (Winnebago) 67,004			
C-Racine (Racine) 76,760			
C-Sheboygan (Sheboygan) 47,965			
C-Waukesha (Waukesha) 72,299			
C-Wausau (Marathon) 38,561			
C-Wauwatosa (Milwaukee) 48,118			
C-West Allis (Milwaukee) 59,890			

APPENDIX 4: CALCULATION IN CHANGE OF ELECTION RESULTS FROM HISTORIC REJECTION RATE

Biden Vote (Model 1)
Total Absentee Vote=[(1,969,274*.56)+(1,969,274*(.075)]=1,250,488

Trump Vote (Model 1)
Total Absentee Vote=[(1,969,274*.26)+(1,969,274*(.075)]= 659,707

Biden Vote (Model 2)
Total Absentee Vote=[(1,969,274*.56)+(1,969,274*(0.15*0.56)]=1,268,212

Trump Vote (Model 2)
Total Absentee Vote=[(1,969,274*.26)+(1,969,274*(0.15*0.26)]= 588,812

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