

WISCONSIN ELECTIONS COMMISSION

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February 26, 2018

Mr. Mark Thomsen, Chair
Wisconsin Elections Commission

Ms. Ann Jacobs, Vice Chair
Wisconsin Elections Commission

Ms. Jodi Jensen
Wisconsin Elections Commission

Mr. Dean Knudson
Wisconsin Elections Commission

Ms. Julie Glancey
Wisconsin Elections Commission

Ms. Beverly Gill
Wisconsin Elections Commission

Dear Commissioners:

After much deliberation regarding the critical work ahead for the Elections Commission as well as my professional future, I have decided to cease pursuing my continued appointment as Administrator. In order to remove any doubt and further controversy regarding the Administrator position, and to preserve the Commission's ability to choose its own Administrator, I am requesting that the Commission appoint another individual to the position. In the short term, I plan to continue to work at the agency as Staff Counsel.

As you know, on January 23, 2018, the State Senate voted to not confirm my appointment as the first Administrator of the Wisconsin Elections Commission. The vote occurred more than 19 months after the Commission's appointment, and despite the success and accomplishments of agency staff and despite the fact that I had no substantive role in the activities of the Government Accountability Board which some legislators objected to. The lack of any credible criticism of my work and the work of the Commission illustrated the folly of the Senate's vote.

Since its inception, the Commission has successfully administered five regular statewide elections, completed the only statewide recount of the 2016 Presidential contest, revamped agency IT applications, developed an enhanced and comprehensive election security plan, conducted testing campaigns for new voting equipment, implemented new laws, and continued its many training initiatives for local election officials. The WEC's program successes also have occurred during the challenge of the agency's transition and further reductions in the level of agency staffing. Rather than celebrating that success and taking credit for it, some have focused on settling scores with imaginary ghosts of the Government Accountability Board. My appointment was a casualty of that obsession. Even in the heat of the Senate's debate, the justification for rejecting my appointment was vague assertions of "no confidence" rather than any specific action I had taken or decision I made, either at the G.A.B. or the WEC.

Obviously, I strongly disagree with the Senate vote. I am proud of what we have achieved at the WEC and what we have in the works. But the reality is that the Senate's action has created a major distraction and an untenable situation for the Commission. The Department of Administration has determined that I must either take an unpaid leave of absence or return to my original classified position of Staff Counsel which I held at the G.A.B. While our agency operations have been consistent with the Commission's decision to continue my appointment, the Senate's action has created some uncertainty for other state agencies that interact with our staff. The agency's request of the Joint Finance Committee to restore three staff positions, which is still fewer positions than the Committee supported during the budget process, remains unaddressed, apparently due to the issues regarding the Administrator position. There has even been talk that Joint Finance may seek to either eliminate the agency's Staff Counsel position or convert it to an unclassified position.

It is time for this foolishness to end. We are in the midst of constant election preparation and administration which will continue until the middle of November. With the development of electronic poll books, enhanced election security planning and other initiatives, the agency cannot afford to be distracted by my status and must focus on moving forward.

I recently participated in my first security briefing from the Department of Homeland Security while I was in Washington, D.C. The substance of the presentation and its conclusions were not surprising given what has been made public, but the message was sobering. All of us must take seriously the risks and threats to America's election systems and processes. That includes policymakers and elected officials. To put it bluntly, I am asking our elected and political leaders to wake up to this new reality and take it seriously before we fall dangerously behind in securing the integrity of elections and voter confidence.

This means, first, I encourage the Commission to advocate for the Joint Finance Committee to promptly approve and reinstate the three staff positions which the bipartisan Commission has requested and which were among the five positions cut during the budget process. These positions are essential to our efforts to secure elections and improve their administration. We are running out of time for the positions to be of significant help to the agency, clerks or voters prior to the fall election cycle.

Second, I believe it is important that the Commission ask legislative leaders and the Joint Finance Committee to stop any further attacks on the agency's Staff Counsel position and on Nathan Judnic personally. Attorney Judnic has had an accomplished career with the G.A.B. and the WEC and has been unfairly targeted simply for doing his job as a civil service employee. There is no basis for any type of disciplinary action involving Nate, and I am confident that DOA would agree with that assessment. Nate shoulders an incredible load and performs at a high level in ways that the Legislature has no idea about or appreciation for. His work should be rewarded rather than denigrated.

Third, to encourage stability and to avoid a recurrence of this situation, I encourage the Commission to ask the Senate to promptly support the Commission's appointed Administrator and confirm the appointment as soon as possible. It is discouraging and demoralizing to a high-performing staff to do everything possible to carry out its statutory responsibilities and then see its administrative head summarily dismissed by the Senate for no sound reason, and without even an opportunity for a public hearing to gather testimony to assess the performance of the Commission's appointee and the agency.

Commissioner Knudson has proposed that the Commission appoint Assistant Administrator Meagan Wolfe to the position of Administrator. Meagan has done an excellent job supervising the agency's WisVote and IT staff, and spearheading our election security planning process. She is in the process of obtaining secret clearance from the Department of Homeland Security and she also attended the recent security briefing in Washington, D.C. I support the Commission appointing Meagan to the position of Administrator and I urge the Senate to promptly confirm her appointment to the permanent position in order to ensure stability and continuity in the agency.

Some have urged that I challenge the Senate's action through litigation. I did research that option. Based on the language in the Statutes, there are certainly sound legal arguments that the Senate's action did not create a vacancy, and that the Commission's subsequent action to continue my appointment is valid. But there would certainly be a personal financial cost to pursue a Court determination, and I have my family and my own future to consider.

In the end, I have decided not to spend additional time, effort and resources in the negative environment of litigation. Leaders in our state government have clearly expressed their preference, misguided as it may be, that I not continue as Administrator. Even if I were to prevail, there is also the reality that the Legislature can change the law to clarify how to achieve its preferred outcome. Furthermore, I am concerned that the uncertainty surrounding my role is delaying action on the desperately needed staff positions requested by the Commission. I do not wish for my personal situation to be used as an excuse for not providing the agency with the resources it needs to be successful, and which both parties in the Legislature have agreed are necessary.

Wisconsin has tried three models of election administration since removing that responsibility from the Secretary of State in the 1970s. The common theme in those models has been the nonpartisan nature of the staff. That is an admirable and essential component of statewide election administration.

However, an argument can also be made that over time the agencies have been at a disadvantage in their relationships with the Legislature because there is no statewide elected official with an independent constituency who is responsible for election administration, or who has been willing to step forward to stand up for agency staff. In my view, while there may be no single perfect model to ensure unbiased and effective administration of elections, the way in which elected policymakers and leaders choose to support or not support the agency can have a significant impact on the agency's ability to pursue its mission, regardless of how it is structured. Uninformed criticism of the agency and its staff makes it more difficult to secure the resources necessary to effectively administer elections, and ultimately threatens to reduce the confidence of voters and the public in the integrity of our elections.

Finally, I want to take this opportunity to publicly thank everyone who has made my work in elections so enjoyable and who has supported my efforts and my continued service as Administrator. My work with the G.A.B. and as Administrator of the Elections Commission has been one of the highlights of my professional life. I want to thank all of you as well as former members of the Elections Commission and the Government Accountability Board. Members of both oversight boards have supported me, challenged me to do my best, and inspired all of us as staff to consistently provide excellent customer service and to do great things with limited resources.

I also appreciate my professional mentors in Wisconsin state government and among my colleagues around the country at the state and federal levels, as well as our many partners at the local level, who have accelerated my progress in this very unique field and role. When I worked as a municipal attorney during my career in private law practice, I developed a great respect for the overworked and underappreciated municipal clerks who not only conduct elections in 1853 municipalities but are often the glue that holds together the many functions of local control in Wisconsin. Municipal clerks, in the smallest towns to the largest cities, are dedicated to serving their voters. Similarly, I have learned so much from the county clerks who are essential partners in election administration. While they are elected on a partisan basis, they focus on problem solving, consensus building and even-handed administration of election and voting laws.

I especially wish to express my unending gratitude to my fellow staff members at the WEC. Some of them helped to bring me along as I tried to learn the many aspects of the elections field starting in 2008. Many of us worked together through the intense and extended years of election-related events that were unique in our state's history and in the nation's experience. More recently, I have had the pleasure of participating in the hiring of excellent additions to our team. Whether new or longtime colleagues, I have had the high honor of serving with truly committed and skilled individuals who are a credit to public service and to the State of Wisconsin. I appreciate their support and friendship, and their consistent knack for making me look good.

When I talk to students or others about the elections profession, I often discuss general characteristics that help election officials to be successful. Hopefully we possess a strong curiosity and intellect, sound judgment and flexibility. But it also helps to have broad shoulders, thick skin and emotional stability. I am lucky to have served with so many who have combined those attributes with a commitment to public service and to effective and fair elections. As many have observed – and it is more true now than ever before – election administrators are defenders of democracy. To the extent I have been able to make contributions to that effort, it is largely by reflecting the best of what I have seen in the individual effort and teamwork of those with whom I have shared a career's worth of experiences and memories.

Finally, I want to thank my family, including my parents and my siblings for their support. And I cannot thank my wife, Judene, and our kids, Jocelyn, Dontay, and Beau, enough for their patience with the long hours and spotlight which are often a part of my job and which can also be an inconvenience to our family. Judene personifies kindness, grace, and strength, and the way she reminds me to prioritize those qualities is one of the many reasons that I love and appreciate her.

Assuming that the Commission appoints a new Interim Administrator at its meeting on March 2nd, my immediate plans are to continue to work in the position of Staff Counsel for the short term. That will allow me to assist the new Administrator in the transition of duties and responsibilities. My understanding is that I would have a short period of time to determine whether to exercise my restoration rights to return to the position of Staff Counsel on a permanent basis. Given the fixation of some in the Senate on removing me from agency service, it would likely be a distraction for me to continue in that position. At this time, I do not intend to exercise those restoration rights, and I plan to pursue other professional opportunities in the near future.

I will always be grateful for the opportunity to serve in the unique position of Wisconsin's chief election official, albeit for a relatively brief period of time. It has challenged me to grow, and provided me with

opportunities to work with excellent partners at the federal, state and local levels. My nine-plus years with the state's elections agency have allowed me to combine my skills, expertise and passion to serve the residents of my home state.

The elections field continues to change quickly. Our world includes issues of ballot access, voting rules, increased use of technology, and greater emphasis on cybersecurity and election security. But at the center of it all is our focus on the voter, the voter's experience, and public confidence in the integrity of election results. As others have before me, I have attempted to preserve that focus and trust, and I have the utmost confidence that my colleagues and friends at the Wisconsin Elections Commission will carry on with that tradition and mission.

Thank you for placing your confidence in me by appointing me as Administrator, and for your support of my leadership as well as the work of our entire staff. I wish you and the Commission the very best in meeting the challenges ahead.

Sincerely,

A handwritten signature in black ink that reads "Michael Haas". The signature is written in a cursive style with a large, prominent "M" and "H".

Michael Haas