



Wisconsin Elections Commission

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DATE: For the June 2, 2021 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

Prepared by:
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SUBJECT: Voter Felon Audit Update

1. The Voter Felon Audit is a required post-election comparison of voters who cast a ballot at an election with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction at the time the vote was cast. Wis. Stat. §6.56(3m). The audit is conducted for any election that has a state or federal office position on the ballot.
2. The Voter Felon Audit occurs in several stages. The matches are first reviewed by the Department of Corrections, then by the municipal clerks and finally by Wisconsin Elections Commission staff before a referral is made to county district attorneys for their own investigation. The process provides the Commission the ability to identify any potential voter/felon matches and it also allows the Commission to identify any discrepancies with the matches. It is the final check in identifying potential felon participation in an election, should such activity not be caught earlier through other statutory required processes, such as the felon list check by election officials at the polls. The process also ensures that election officials at all levels have performed their due diligence before cases are referred to a District Attorney.
3. Updates for the most recent Voter Felon Audits conducted by the Commission are as follows:
 - A. *2020 Spring Primary.* The Voter Felon Audit for the February 18, 2020 Spring Primary ran on October 2, 2020 and the initial comparison identified 15 potential matches. Of the 15 matches, eight have been closed because DOC staff determined the individual identified was either not a felon at the time of the election, their conviction was for misdemeanor, or the clerk had information determining they were different individuals. Three of the seven remaining matches are in the clerk review stage and the other four were referred to the appropriate district attorney.

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B. *2020 Spring Election.* The Voter Felon Audit for the April 7, 2020 Spring Election and Presidential Preference Vote ran on February 2, 2021 and the initial comparison identified 32 potential matches. Of the 32 matches, 19 have been closed because DOC staff determined the individual identified was either not a felon at the time of the election, their conviction was for misdemeanor, or the clerk had information determining they were different individuals. Seven of the 13 remaining matches are in the clerk review stage and the other six were referred to the appropriate district attorney.

C. *2020 CD7 Special Election.* The Voter Felon Audit for the May 12, 2020 Special Election Representative in Congress District 7 ran on May 6, 2021 and the initial comparison identified three potential matches. It was sent to DOC for the first stage of review on May 7, 2021 and their review has not yet been completed at the time this memo was written.

D. *2020 Partisan Primary.* The Voter Felon Audit for the August 11, 2020 Partisan Primary ran on March 3, 2021 and the initial comparison identified 11 potential matches. Of the 11 matches, three have been closed because DOC staff determined the individuals identified were not felons at the time of the election. The eight remaining matches are in the clerk review stage.

E. *2020 General Election.* The Voter Felon Audit for the November 3, 2020 General Election ran on May 3, 2021 and the initial comparison identified 147 potential matches. It was sent to DOC for the first stage of review on May 4, 2021 and their review has not yet been completed at the time this memo was written.

F. *2021 Elections.* The Voter Felon Audit for both 2021 elections will run once outstanding participation records are recorded in WisVote. Commission staff are conducting outreach to those remaining municipalities with outstanding participation left to be recorded in the voter registration system for these elections.

4. Staff is also providing its bi-yearly comprehensive update on the status of the past Voter Felon Audits and District Attorney response information. Attachment F.2. contains statistics regarding the number of initial matches between records of voters and records of felons, as well as the disposition of the cases referred to district attorneys that the Commission has been made aware of. Additional details regarding specific cases are included in the Commission's supplemental materials folder.

Attachments:

- F.1. June Commission Report (Open Session)
- F.2. VFA Referral Statistics (Open Session)
- F.3. June Commission Report (Closed Session – includes voter names)