

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission

Joint Committee on Finance Hearing Room, 412 East
State Capitol
Madison, Wisconsin
10:00 a.m. June 11, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs (by telephone), Commissioner Jodi Jensen and Commissioner Mark Thomsen

Staff present: Meagan Wolfe (by telephone), Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney, Nathan Judnic and Diane Lowe

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present. Chair Knudson thanked Commissioner Thomsen for his service and leadership as the Commission's first chair.

B. Administrator's Report of Appropriate Meeting Notice

Interim Administrator Meagan Wolfe informed the Commissioners that proper notice was given for the meeting.

C. Minutes of the May 24, 2018 Meeting

MOTION: Approve open session minutes of Wisconsin Elections Commission meeting of May 24, 2018. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

D. Ballot Access Challenges and Issues

Staff Counsel Michael Haas made a presentation based on a memorandum regarding the nomination paper challenge process, which was included in the June 2018 Commission Meeting materials. Twelve challenges were filed and three were withdrawn, leaving nine for the Commission to consider.

For each of the following cases, Mr. Haas or Senior Elections Specialist Nathan Judnic reviewed the complaints filed as challenges to ballot access for the candidates and presented recommendations based upon the staff's analysis of the complaints and the responses. Each matter was considered and decided separately by the Commission after providing an opportunity for the parties to make oral presentations and reviewing the staff's recommendations. If the complainant or respondent appeared before the Commission, it is noted; otherwise, there was no appearance.

1. WEC Case No. EL 18-13 – Cynthia Werner Complaint against Timothy L. Rogers, Republican Party Candidate for Representative in Congress, District 4

MOTION:

- 1) Sustain challenges to 20 of the 217 signatures which originally contained dates after the date of the circulator's certification and which were not successfully rehabilitated through a correcting affidavit but do not reduce the verified total because staff had already struck those signatures.
- 2) Reject the remaining challenges related to the date of the circulator's certification because the correcting affidavits rehabilitated those signatures, and increase the total valid signatures by 9 due to the staff's review of the correcting affidavits and signatures which were previously struck.
- 3) Sustain challenges to 30 signatures due to incomplete circulator addresses and reduce the verified number of signatures by 8 because the remaining signatures were previously struck by staff.
- 4) Sustain challenges to 12 signatures because the signers reside outside the 1st Congressional District and reduce the verified number of signatures by 12.
- 5) Increase the number of verified signatures by 35 due to the supplemental signatures submitted by Candidate Rogers.
- 6) Verify a total of 1,033 valid signatures, grant ballot access to Candidate Rogers, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

2. WEC Case No. EL 18-14 – Jenny Toftness Complaint against Charisse Daniels, Democratic Party Candidate for Representative to the Assembly, District 37

Charles Nichols of the Republican Assembly Campaign Committee appeared on behalf of Ms. Toftness. Ms. Daniels did not appear.

MOTION:

- 1) Sustain challenges to 15 signatures on Page 5, Lines 1, 3-6 and 10; Page 8, Lines 2-4, 8; Page 11, Lines 1-2, 5, 10; Page 14, Line 10.

- 2) Sustain challenges to 12 signatures on Page 5, Lines 2, 7, 8, 9; Page 8, Lines 5, 6, 10; Page 11, Line 4; Page 14, Lines 2-4, 6. Reject challenges to 3 signatures contained on Page 11, Lines 3 and 6; Page 14, Line 7.
- 3) Reject challenges to 10 signatures contained on Page 8, Lines 1, 7, 8; Page 11, Lines 7-9; Page 14, Lines 1, 5, 8, 9.
- 4) Sustain challenges to 3 duplicate signatures on Page 4, Line 7; Page 10, Line 5; Page 20, Line 2.
- 5) Verify a total of 193 valid signatures, deny ballot access to Candidate Daniels, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

Commissioner Thomsen discussed referring the matter to the appropriate District Attorney. Chair Knudson asked that the matter wait until closed session.

3. Case No. EL 18-15 – Douglas Hyant Complaint against Jim Duncan, Republican Party Candidate for Representative to the Assembly, District 57

Mr. Hyant appeared in person.

MOTION: Sustain the challenge to 68 signatures due to signers residing outside the 57th State Assembly District and reject one such challenge; sustain the challenge to 2 signatures due to the signers serving felony sentences and reject 5 such challenges, and reject the challenge alleging that one signature identified an individual who was deceased. Verify a total of 173 valid signatures, deny ballot access to Candidate Duncan, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Glancey, seconded by Commissioner Jensen. Motion carried unanimously.

4. WEC Case No. EL 18-16 – Douglas Hyant Complaint against Loren Oldenburg, Republican Party Candidate for Representative to the Assembly, District 96

This complaint has been withdrawn by the Complainant.

5. WEC Case No. EL 18-17 – Douglas Hyant Complaint against Maria Villareal, Democratic Party Candidate for Representative to the Assembly, District 8

Mr. Hyant appeared in person.

MOTION: Sustain challenges to 51 signatures which are outside the 8th State Assembly District; sustain one challenge due to an incorrect signature; sustain two challenges due to incomplete addresses; and reject one challenge related to the validity of a date. Due to duplicate challenges and staff previously striking challenged signatures, strike two additional signatures for a total of 53 successful challenges. Verify a total of 185 valid signatures, deny

ballot access to Candidate Villarreal, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Gill, seconded by Commissioner Glancey. Motion carried unanimously.

6. WEC Case No. EL 18-18 – Douglas Hyant Complaint against Thomas C. Leager, Libertarian Party Candidate for Representative to the Assembly, District 76

Mr. Hyant appeared in person.

MOTION: Sustain challenges to 34 signatures at: Page 1, Line 7; Page 2, Lines 6, 7, 10; Page 3, Lines 1, 3, 9; Page 5, Line 3; Page 7, Lines 6, 9 10; Page 8, Line 9; Page 9, Line 6; Page 11, Line 8; Page 13, Lines 4, 5; Page 14, Lines 6, 7, 10; Page 19, Lines 4, 6, 7, 8; Page 20, Lines 1, 3, 5; Page 21, Lines 1, 2, 4, 7, 8, 9; Page 22, Lines 2, 6 for signers residing outside of the 76th State Assembly District. Sustain challenges to 2 signatures on Page 12, Lines 2 and 3 for containing improper dates of signing. Sustain the challenge to 1 signature on Page 10, Line 4 for failure to include a complete residential address. Verify a total of 168 valid signatures, deny ballot access to Candidate Leager, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Jensen, seconded by Commissioner Thomsen. Motion carried unanimously.

7. WEC Case No. EL 18-19 – Mark Morgan Complaint against Dana Wachs, Democratic Party Candidate for Governor

Attorney Jeremy Levinson appeared by telephone on behalf of Mr. Wachs.

MOTION: Sustain challenges to 2 signatures at: Page 1, Line 5 (illegible address) and Page 43, Line 6 (signer's first name illegible and last name unable to discern) and reject the remaining challenges to signatures as described above. Verify a total 2,252 signatures, grant ballot access to Candidate Wachs, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried. Commissioner Thomsen abstained because Mr. Wachs is his law partner.

Chair Knudson called a brief recess at 11:53 a.m. The Commission reconvened at 11:58 a.m.

8. WEC Case No. EL 18-20 – Mark Morgan Complaint against Richard Pulcher, Democratic Party Candidate for State Senator, District 29

George Gillis of the Democratic Party of Wisconsin appeared on Mr. Pulcher's behalf.

MOTION: Sustain challenges to 11 signatures at: Page 27, Line 7; Page 36, Line 7; Page 47, Line 7; Page 5, Lines 7 and 8; Page 15, Line 8; Page 36, Line 8; Page 43, Line 4; Page 6, Lines 1 and 10; page 38, Line 2 and reject the remaining challenges to signatures as described above. Verify a total of 424 signatures, grant ballot access to Candidate Pulcher, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

9. WEC Case No. EL 18-21 – Douglas Hyant Complaint against Ahna Key, Republican Party Candidate for Representative to the Assembly, District 96

This complaint has been withdrawn.

10. WEC Case No. EL 18-22 – Mark Morgan Complaint against Andy Gronik, Democratic Party Candidate for Governor

Attorney David Anstaett appeared on behalf of Mr. Gronik.

MOTION: Reject all challenges included in the complaint. Verify 3,602 valid signatures as originally verified by Commission staff. Grant ballot access to Candidate Gronik and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Jensen. Motion carried unanimously.

11. WEC Case No. EL 18-23 – Douglas Hyant Complaint against Gabriel Szerlong, Republican Party Candidate for Representative to the Assembly, District 43

This complaint has been withdrawn.

12. Case No. EL 18-24 – Richard Strohm Complaint against Kevin Nicholson, Republican Party Candidate for United States Senator

Adam Chuting appeared on behalf of the Nicholson campaign.

MOTION: Sustain challenges to 50 signatures due to invalid circulator dates but do not reduce the number of verified signatures because staff had previously struck them; reject all challenges to signatures based on the allegation that circulators are not qualified electors of the State of Wisconsin. Verify 3,906 signatures as originally verified by Commission staff, grant ballot access to Candidate Nicholson, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

Chair Knudson suggested taking the closed session agenda items out of order to coincide with lunch.

H. Closed Session

Adjourn to closed session as required by statutes to discuss violations of election law and to confer with counsel concerning potential litigation and to discuss a personnel matter.

MOTION: Move to closed session pursuant to Wis. Stat. §§ 19.851 and 19.85(1)(g) to discuss violations of election law and confer with counsel concerning potential litigation. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Roll call vote: Gill:	Aye	Glancey:	Aye
Jensen:	Aye	Jacobs:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried unanimously. The Commission convened in closed session at 12:44 p.m.

The Commission reconvened in open session at 1:13 p.m.

E. Possible Challenges of Staff Ballot Access Decisions

Mr. Haas made a presentation based on a memorandum contained in supplemental materials for the June 11 Commission meeting regarding a candidate's request to withdraw his nomination papers after they were filed. Staff recommends denying the request.

MOTION: Based upon the statutory language of Wis. Stat. 8.35(1), the Commission denies Timothy Comer's request to withdraw his nomination papers and to remove his name from the list of qualified candidates for the 2018 Partisan Primary. Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

F. Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum titled "Ballot Access for the 2018 General Election" starting on page 36 of the June 11 Commission meeting materials containing a summary of important and noteworthy information regarding candidates requesting ballot access for the 2018 General Election.

MOTION: Approve staff recommendation that the 296 candidates representing ballot-status parties marked "approved" on the "Candidates Tracking by Office" report be approved for ballot access for the August 14, 2018 Partisan Primary. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

MOTION: Approve staff recommendation that the 11 independent candidates marked "approved" on the "Candidates Tracking by Office" report be approved for ballot access for the

November 6, 2018 General Election. Moved by Commissioner Glancey, seconded by Commissioner Jensen. Motion carried unanimously.

G. Administrator Report

Ms. Wolfe said she had nothing else to report.

H. Adjourn

MOTION: Adjourn. Moved by Commissioner Gill, seconded by Commissioner Thomsen. Motion carried unanimously.

The Commission adjourned at 1:33 p.m.

####

The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 25, 2018, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

June 11, 2018 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

September 14, 2018

June 11, 2018 Wisconsin Elections Commission meeting minutes certified by:



Julie Glancey, Commission Secretary

September 25, 2018