



Wisconsin Elections Commission

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Wisconsin Elections Commission

Teleconference – Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
3:00 p.m. June 10, 2020

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all via teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Robert Kehoe, Sharrie Hauge, Nathan Judnic and Reid Magney

A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 3:00 p.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Consideration of Challenges and Approval/Denial of Ballot Access for Independent Candidates for President

Chair Ann Jacobs went over the ground rules for the hearing.

1. WEC Case No. EL 20-31 – William Brent, III, Richard C. Hughes, Keith Smith, Lauren Steven Complaint against Kanye West and Michelle Tidball

The Chair recognized Attorney Jeff Mandell, representing challengers. Attorney Mandell made a point of order regarding whether the candidates' response was properly verified because Mr. West did not verify it.

Attorney Michael Curran, representing the candidates, stated there was substantial compliance because vice presidential candidate Michelle Tidball did verify the complaint.

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

MOTION: To continue the hearing and disregard the point of order. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Mandell raised a second point of order asking that challengers' reply brief be accepted.

Commissioners and staff discussed the Commission's established procedures for ballot access challenges and replies, which do not include a reply by the challenger.

MOTION: To deny the point of order. Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

The Chair recognized Attorney Mandell for 10 minutes. He made a presentation regarding this challenge of Kanye West's nomination papers.

The Chair recognized Attorney Curran, who appeared on behalf of Mr. West, for 10 minutes to make a presentation. Mr. Curran raised a point of order and asked the Commission to dismiss complaint on jurisdictional issues.

MOTION: To reject the point of order. Moved by Commissioner Thomsen, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Curran made his presentation.

Commissioners questioned Attorney Curran and staff members about whether the West-Tidball filing was timely.

The Chair requested that WEC staff members involved in the filing of the West-Tidball nomination papers on August 4, 2020, be made available to testify.

The Chair placed Election Specialist Cody Davies under oath and questioned him regarding the events at the filing deadline.

The Chair placed Election Specialist Riley Willman under oath and questioned him regarding the events at the filing deadline.

Staff Counsel Nathan Judnic made a presentation based on a memorandum starting on page 7 of the August 20 Commission meeting materials. Staff recommends sustaining challenges to all the West-Tidball nomination papers for the reasons stated in the recommended motions.

MOTIONS:

- 1) The Commission sustains the challenge to all nomination papers submitted by Mr. West and Ms. Tidball because they were not filed timely in accordance with Wis. Stat. §8.20(8)(am), therefore their names shall not appear on the 2020 November General Election ballot as Independent candidates for President and Vice-President respectively, in Wisconsin.
- 2) The Commission rejects the challenges to 1517 signatures that the Complainant alleges were obtained on pages in which the circulator misrepresented the purpose of the petition to the signer.
- 3) The Commission rejects the challenge to the 637 signatures collected on Respondent's nomination papers by Mr. Linares, Mr. Rush and Mr. Durrell, as the Complainant has not met the burden of proof showing that the named circulators provided an incorrect address when completing the certification of circulator.
- 4) The Commission staff rejects the challenge to the 188 signatures alleged by the Complainant to not include the signer's correct municipality of residence for voting purposes and the street and number.
- 5) A. The Commission sustains the challenge, and strikes the following 16 signatures from the Candidate's total for failure to provide a legibly printed name as required by statute :
Page 149, Line 2; Page 185, Line 4, Page 196, Line 1; Page 238, Line 3; Page 251, Line 6; Page 252, Lines 3 and 4; Page 259, Line 4; Page 267, Line 6, Page 293, Line 4; Page 308, Line 10; Page 312, Line 8; Page 349, Line 1; Page 350, Line 6; Page 354, Line 1, Page 370, Line 10.
- 5) B. The Commission rejects the remaining challenges because the signatures were legible, the signatures challenged were unable to be determined based on the Page and Line number described by the Complainants, or they were previously struck for legibility issues or other issues on the page.

6) The Commission rejects the challenges to signatures alleged to be missing a municipality or contain an incomplete signing date because the Complainant has not met the burden of proof of clear and convincing evidence that signatures were incomplete.

7) The Commission sustains the challenge to the two signatures on Page 11, Line 8 and Page 281, Line 6, as the signer has provided an improper name information when signing the nomination paper. The remaining 2 signatures are already struck for other reasons and not included in the total.

8) The Commission directs staff to draft Findings and an Order consistent with these motions.

All motions moved by Commissioner Thomsen, seconded by Commission Glancey.

Commissioner Spindell offered a friendly amendment to consider voting on recommended motions 2 through 7 first, then taking motions 1 and 8.

Commissioners Thomsen and Glancey accepted the amendment.

The Chair called the roll on Motions 2 through 7.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motions carried unanimously.

Commissioner Thomsen moved recommended motions 1 and 8, which was seconded by Commissioner Glancey.

Discussion.

Commissioner Thomsen called the question.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	No	Thomsen:	Aye

Motion carried 5-1.

The Chair called a break at 5:33 p.m. The Commission reconvene at 5:40 p.m.

2. WEC Case No. EL 20-30 – Joseph R. Santeler Complaint against Kanye West

The Chair recognized for 10 minutes Attorney Joseph R. Santeler, who made a presentation regarding his challenge of Kanye West’s nomination papers. Attorney Santeler made point of order, that he did not challenge Michelle Tidball.

MOTION: To disregard the point of order and continue. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Attorney Santeler made a 10-minute presentation.

The Chair recognized Attorney Michael Curran, who appeared on behalf of Mr. West, for a 10 minute presentation.

Discussion.

MOTION: Based on the record of proceedings today, including testimony of WEC staff members, the Commission sustains challenge to West’s nomination papers because they were not filed timely, and the candidates shall not appear on the ballot. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen.

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	No	Thomsen:	Aye

Motion carried 5-1.

MOTIONS:

1) The Commission rejects the challenge to Mr. West’s nomination papers because the complainant has not established by clear and convincing evidence that 3202 Big Horn Ave., Cody, WY 82414 is not Candidate West’s “residence and post-office address” as required by the statute.

3) The Commission rejects the challenges to the signatures contained on Pages 1, 2, 5, 6, 7, 8, 19, 20, 23, 24, 25, 26, 27, 28, 33, 34, 161, 162, 220, 223, 225, 236, 292, and 334, because the Complainant did not indicate the reason why such papers and signatures were insufficient.

4) The Commission directs staff to draft Findings and an Order consistent with these

motions.

All motions moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

3. Case No. EL 20-32 – Allen Arntsen Complaint against The Wisconsin Green Party, Howie Hawkins, Angela Walker

The Chair recognized Attorney Mandell, who made a presentation regarding this challenge of Howie Hawkins' nomination papers. He made a point of order that because the candidate did not respond by the deadline, he forfeited any opportunity to respond at this hearing.

The Chair ruled that the attorney for Mr. Hawkins and the Green Party can argue the law but may not introduce evidence.

Attorney Mandell continued his presentation.

The Chair recognized Attorney Andrea Merida, who appeared on behalf of Mr. Hawkins, and who made a presentation.

Staff Counsel Nathan Judnic made a presentation based on a memorandum starting on page 1 of the August 20 Commission meeting materials.

MOTIONS:

- 1) The Commission sustains the challenge to the 1834 signatures identified in the Complainant's Exhibit B identified with a code of 3042 which represent nomination papers that were printed and circulated with an address of 3204 TV Road, Room 231, Florence SC address.
- 2) The Commission sustains the challenge to the 57 signatures identified in the Complainant's Exhibit B identified with a code of 315** which represent nomination papers that were corrected to include the 315 Royal Street, but the corrections were dated after the electors had signed the nomination papers, which would indicate that the 3204 TV Road address was present when they were signed.
- 3) The Commission rejects the challenge to the 48 signatures identified in the Complainant's Exhibit B identified with a code of 315* which represent nomination papers that include the 315 Royal Street address, and there was no indication when the address was written on the page, but it is presumed to have been prior to circulation and signing on the page.

4) The Commission certifies 1846 valid signatures, which is below the minimum of 2,000 required for ballot access.

5) The Commission denies ballot access to Candidate Howie Hawkins and Candidate Angela Walker for the 2020 November General Election as independent candidates for President and Vice President and their names shall not appear on the ballot.

6) The Commission directs staff to draft Findings and an Order consistent with these motions.

Move by Commissioner Thomsen, seconded by Commissioner Glancey.

Discussion.

Commissioner Knudson asked to split the motions and vote on motions 2 and 3 first. Commissioners Thomsen and Glancey agreed.

The Chair called the question on motions 2 and 3.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

MOTION: The Commission sustains the challenge to the 1834 signatures identified in the Complainant's Exhibit B identified with a code of 3042 which represent nomination papers that were printed and circulated with an address of 3204 TV Road, Room 231, Florence SC address.

Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Roll call vote: Bostelmann	No	Glancey:	Aye
Jacobs:	Aye	Knudson:	No
Spindell	No	Thomsen:	Aye

Motion failed 3-3.

MOTION: That the Green Party be given access to the ballot. Moved by Commissioner Spindell, seconded by Commissioner Knudson.

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	No
Jacobs:	No	Knudson:	Aye
Spindell	Aye	Thomsen:	No

Motion failed 3-3.

MOTION: To allow into evidence the date of Angela Walker’s actual move. Moved by Commissioner Knudson, seconded by Commissioner Spindell

Discussion.

Roll call vote: Bostelmann	Aye	Glancey:	No
Jacobs:	No	Knudson:	Aye
Spindell	Aye	Thomsen:	No

Motion failed 3-3.

MOTION: The Commission certifies 1,789 signatures for Howie Hawkins and Angela Walker showing an address for Walker of 315 Royal Road, and that the Commission is deadlocked as to the validity of another 1,834 signatures with an address on TV Road, based on insufficient evidence as to where the vice-presidential candidate lived at the time of circulation of the nomination papers. Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

Ballot Access Motions

Assistant Administrator Richard Rydecki made a presentation based on a memorandum starting on page 34 of the commission meeting materials regarding ballot access.

MOTION: The Commission approves ballot access for Jo Jorgensen and Jeremy Cohen representing the Libertarian Party and Brian Carroll and as independent candidates for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Knudson, seconded by Commission Spindell.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

MOTION: The Commission approves ballot access for Brian Carroll and Amar Patel representing the American Solidarity Party.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

MOTION: The Commission denies ballot access for Kyle Kealey Kopitke and Taja Yvonne as independent candidates representing the American Independent Party for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Knudson, seconded by Commission Glancey.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried unanimously.

MOTION: Based upon a certification of 1,789 signatures and based upon the commission being deadlocked on another 1,834, the Commission denies ballot access for Howie Hawkins and Angela Walker as independent candidates representing the Green Party for the offices of President and Vice President at the 2020 General Election.

Moved by Commissioner Jacobs, seconded by Commission Thomsen.

Roll call vote:	Bostelmann	No	Glancey:	Aye
	Jacobs:	Aye	Knudson:	No
	Spindell	No	Thomsen:	Aye

Motion failed 3-3.

MOTION: That Howie Hawkins and Angela Walker filed enough signatures to get on the ballot.

Moved by Commissioner Knudson, seconded by Commissioner Spindell.

Roll call vote:	Bostelmann	Aye	Glancey:	No
	Jacobs:	No	Knudson:	Aye
	Spindell	Aye	Thomsen:	No

Motion failed 3-3.

D. Consideration and Approval/Denial of County HAVA Security Subgrants

Technology and Training Director Robert Kehoe made a presentation based on a written report starting on page 38 of the meeting materials regarding approval of additional county grant applications.

Motion 1: Approve the grant applications for Iron, Milwaukee, and Waushara counties. WEC further directs staff to allocate the funds requested (up to \$35,000 base and \$.30/eligible voter) to these three counties.

Motion 2: Direct staff to continue working with counties interested in the subgrant to help them complete applications. County proposals will be considered by the Commission at a future meeting.

Both motions moved by Commissioner Thomsen, seconded by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried 6-0.

E. Closed Session

1. **Wis. Stat. § 5.05 Complaints**
2. **Litigation Update**

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 litigation. Moved by Commissioner Bost, Glancey. seconded by Commissioner Jacobs.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Spindell	Aye	Thomsen:	Aye

Motion carried 6-0.

Commissioners convened in closed session at 8:49 p.m. and adjourned in closed session at 9:03 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, September 1, 2020, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 9:00 a.m.


August 20, 2020 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

August 24, 2020

August 20, 2020 Wisconsin Elections Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

September 1, 2020