



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
11:00 a.m. October 20, 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 by teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jacob Walters, and Reid Magney, all by teleconference.

A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 11:02 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion of Outagamie County Ballot Matter

Administrator Wolfe summarized for the Commission the situation in Outagamie County, as election officials there seek Commission guidance after it was discovered a ballot-printing error may cause thousands of ballots to be rejected by voting equipment.

Discussion.

Consensus to revisit this item at a later point in the meeting.

D. Discussion of Election Night Results and End of Night Procedures Guidance

Administrator Wolfe made a presentation based on the WEC staff memorandum that begins on page 8 of the Commission meeting materials packet. This memorandum provides potential guidance for clerks and election officials as they determine how to process the unprecedented volume of absentee ballots expected for this election.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion.

The meeting recessed at 11:52 a.m. for Commissioner Thomsen to reestablish his internet connection.

The meeting reconvened at 12:09 p.m.

Discussion.

MOTION: In its memorandum to local election officials, the Wisconsin Elections Commission directs staff to draft and include language for county clerks to use on websites that report unofficial election results. This language should address the number of absentee ballots per municipality that are still yet to be counted at a central count facility.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Discussion.

C. Discussion of Outagamie County Ballot Matter

(This agenda item was resumed from earlier in the meeting.)

Staff Attorney Nathan Judnic shared language with the Commission that he had drafted to respond to election officials in Outagamie County concerning how to proceed given the presence of a printing defect on some of their ballots' timing marks.

MOTION: To adopt the language of Attorney Judnic's letter and to send this letter to Outagamie County election officials.

Moved by Commissioner Knudson. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

E. Potential Action Relating to the Use or Expenditure of Remaining CARES Act Funds

Administrator Wolfe reviewed how the Commission has allocated the \$7.2 million in federal funds it received last May as part of the CARES Act, and detailed staff's recommendation of using the remaining funds for a voter education digital media ad buy.

Discussion.

MOTION: The remaining \$750,000 in federal CARES Act funds are to be distributed to counties after the election in the form of a reimbursement program of \$10,000 per county.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

FRIENDLY AMENDMENT: That this be a reimbursement program of up to \$10,000 per county.

Proposed by Commissioner Glancey by way of Administrator Wolfe's response to her question.
Accepted by Commissioner Knudson.

Discussion.

Friendly amendment accepted by Commissioner Spindell.

MOTION REPHRASED: The Wisconsin Elections Commission approves the allocation of up to approximately \$750,000 of the remaining CARES Act funds for a reimbursement program to be distributed after the election of up to \$10,000 per county. The Commission also approves the allocation of funds to the agency for the cost of the administration of this program.

Rephrased by Chairwoman Jacobs. Confirmed to be correct by Commissioner Spindell.

Discussion.

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

Motion carried 6-0.

Discussion.

F. Scheduling Meetings for Early 2021

Administrator Wolfe informed the Commission that it must have a ballot access meeting by January 12, 2021 and that when considering timing and other factors having it on the date of January 12 would be best.

Discussion.

Consensus to have this meeting on January 12, with the time to be finalized later.

G. Consideration of Whether to Take Exception to the Delegation of Authority with Regard to the Complaint of Farmer v. MEC

Administrator Wolfe made a presentation regarding the complaint of Farmer v. MEC and whether to take it out of its delegation of authority or not. Chairwoman Jacobs further emphasized that the question before the Commission right now is one of strictly procedure and is not related to the merits of the case itself.

Discussion.

MOTION: The Wisconsin Elections Commission makes an exception to its delegation of authority in the complaint of Farmer v. MEC and will review this complaint under the statutory provisions outlined in Wis. Stat. § 5.05.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

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

Motion failed 3-3.

H. Closed Session

MOTION: Move to closed session for the purposes of conferring with legal counsel concerning litigation strategy as permitted by Wis. Stat. § 19.85(1)(g).

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

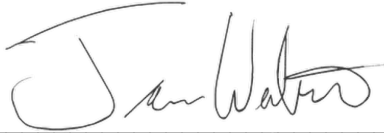
The meeting recessed at 2:33 p.m.

I. Adjourn

The Commission adjourned in closed session at 2:55 p.m.

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October 20, 2020 Wisconsin Election Commission meeting minutes prepared by:



Jacob Walters, Operations Program Associate

March 18, 2021

October 20, 2020 Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

June 2, 2021