



# Wisconsin Elections Commission

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## Wisconsin Elections Commission

Teleconference – Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.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 10:02 a.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. Personal Appearances

**Debbie Morin of West Allis** appeared on her own behalf to discuss concerns about the voter mailing and election security grants.

**Barbara Beckert of Whitefish Bay** appeared on behalf of Wisconsin Disability Vote Coalition to discuss concerns about absentee voting for voters with disabilities and voters in nursing homes.

**Ardis Cerny of Pewaukee** appeared on her own behalf to ask questions about ballot harvesting.

**Denise Jess of Madison** appeared on behalf of Wisconsin Council for the Blind and Visually Impaired to express concerns that Wisconsin does not have an ADA-compliant absentee ballot and asked the Commission to add this to its legislative agenda.

*Wisconsin Elections Commissioners*

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

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*Administrator*  
Meagan Wolfe

## **D. Ballot Access Challenges and Issues**

Senior Elections Specialist Nathan Judnic made a presentation based on a written memorandum regarding ballot access challenges.

Assistant Administrator Richard Rydecki made a presentation based on the memorandum regarding nomination paper review procedures used to determine the number of valid signatures and to make staff's ballot access recommendations.

### **1. WEC Case No. EL 20-22 – Trevor Ford Complaint against Reese Wood, Libertarian Party Candidate for Representative to the Assembly, District 44**

#### **WEC Case No. EL 20-25 – Richard Coelho Complaint against Reese Wood, Libertarian Party Candidate for Representative to the Assembly, District 44**

Mr. Judnic noted that there were two challenges filed against Candidate Wood. He said they could be considered together, and he presented the facts of the first case and staff's recommendation to deny ballot access.

Trevor Ford appeared on behalf of the Republican Assembly Campaign Committee.

Candidate Wood appeared on his own behalf.

#### **MOTIONS:**

- 1) In case EL 20-22, sustain challenges to 13 signatures (Page 4, Lines 3 and 4; Page 6, Lines 7-9; Page 24, Line 1; Page 29, Line 4; Page 32, Lines 2, 3 and 5; Page 39, Lines 5, 6 and 10) because the signers reside outside the 44th Assembly District and reduce the verified number of signatures by 13.
- 2) In case EL 20-25, sustain challenges to 16 signatures (Page 3, Line 3; Page 35, Lines 3 and 4; Page 39, Lines 2, 5, 6, and 10; Page 47, Lines 4, 5, and 7; Page 32, Lines 2, 3, and 5; Page 36, Line 2; Page 50, Lines 1 and 2; Page 24, Line 1) because the signers reside outside the 44th Assembly District and reduce the verified number of signatures by 16; reject the challenge to 1 signature (Page 47, Line 5).
- 3) In case EL 20-22, verify a total of 196 valid signatures, deny ballot access to Candidate Wood, and direct staff to prepare and issue a Findings and Order consistent with this motion.
- 4) In case EL 20-25, verify a total of 193 valid signatures, deny ballot access to Candidate Wood, and direct staff to prepare and issue a Findings and Order consistent with this motion.

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.

**2. WEC Case No. EL 20-23 – Alesha Guenther Complaint against John Baker, Republican Party Candidate for Representative in Congress, District 1**

Mr. Judnic presented the facts of the case and staff's recommendation to deny ballot access.

Candidate Baker appeared on his own behalf.

**MOTIONS:**

1) Sustain challenges to 31 signatures (Page 10, Line 5-Hintz; Page 5, Line 2-Masters; Page 3, Lines 2-Cotton and 3-Hughes; Page 2, Lines 5-Weber, 4-Webber, and 10-Smith; Page 9, Line 6-Krueger; Page 8, Line 4-Swanson; Page 10, Line 5-Yeager; Page 4, Lines 3-Schueller and 10-Gardner; Page 8, Line 3-Murphy, Page 8, Line 3-Nelson; Page 3, Line 1-Kantor; Page 10, Line 7-Kantor; Page 9, Line 3-Landry; Page 7, Lines 6-Boyd and 7-Boyd; Page 81, Line 9-Hawthorne; Page 98, Line 1-Jaeger; Page 98, Lines 2-Slipperly, 3-Slipperly, 4-Garny and 5-Garny; Page 5x, Lines 8-Balfanz and 9-Diermeier; Page 4, Line 7-Fox; Page 86, Line 7-Dawes; Page 1, Line 7-Heyk; Page 4bY, Line 2-Sarenac) because the signers reside outside the 1st Congressional District and reduce the verified number of signatures by 31.

2) Verify a total of 976 valid signatures, deny ballot access to Candidate Baker, and direct staff to prepare and issue a Findings and Order consistent with this motion.

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.

**3. Case No. EL 20-24 – Jackson Weber Complaint against Enrique Murguia, Democratic Party Candidate for Representative to the Assembly, District 8**

Mr. Judnic presented the facts of the case and staff's recommendation to deny ballot access. Mr. Weber appeared. Candidate Murguia appeared on his own behalf.

**MOTION:** Accept signature on page 31, line 8. Moved by Commissioner Thomsen. Motion died for lack of a second.

**MOTION:** Accept signature on page 45, line 5. Moved by Commissioner Thomsen. Motion died for lack of a second.

Mr. Judnic said there was a typo, and one signature on West Muskego should be counted because it is in the 8<sup>th</sup> District.

**MOTION:** To deny signature. Moved by Commissioner Thomsen, seconded by Commissioner Bostelmann.

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

Motion carried unanimously.

After discovering several problems with signatures Candidate Murgia claimed were valid, Commissioner Thomsen invited Murguia to withdraw his objections to the challenges. Candidate Murguia said he was no longer contesting the challenges.

**MOTIONS:**

1) Sustain challenges to 59 signatures contained on Page 44, Lines 3-6, 9; Page 31, Line 8; Page 30, Lines 4-8; Page 29, Line 3; Page 32, Line 7; Page 28, Lines 1, 3 and 8; Page 45, Lines 4 and 5; Page 38, Lines 1-4; Page 39, Line 5; Page 40, Lines 2 and 3; Page 31, Lines 3 and 4; Page 36, Lines 1 and 2; Page 33, Lines 1, 4 and 5; Page 34, Lines 2-5; Page 26, Lines 3-5; Page 21, Lines 1 and 3; Page 14, Lines 1, 3 and 4; Page 15, Line 5; Page 12, Lines 3 and 4; Page 9, Lines 2-4; Page 4, Line 4; Page 10, Line 2; Page 17, Lines 3 and 4; Page 35, Line 4; Page 12, Line 2; Page 43, Lines 4 and 5; Page 48, Lines 1 and 2 because the signers fail to reside in the 44th Assembly District; reject challenges to 3 signatures contained on Page 29, Line 6; Page 5, Line 4; Page 49, Line 2 because the signers do reside in the 44th Assembly District.

2) Sustain the challenge to 1 signature contained on Page 24, Line 4 as the signature date was after the date contained in the certification of circulator.

3) Reject the challenges to 7 signatures contained on Page 31, Lines 6, 7 and 9; Page 25, Lines 9 and 10; Page 47, Lines 3 and 4 because the signature dates were valid due to the bracketing rule and were otherwise legible and within the applicable circulation period.

4) Sustain the challenge to 1 signature contained on Page 15, Line 4 because the signer did not fully complete the printed name box and include a full printed last

name and reject the challenges to the remaining 4 signatures contained on Page 18, Line 1; Page 22, Line 2; Page 15, Line 5 and Page 17, Line 4.

5) Verify a total of 197 valid signatures, deny ballot access to Candidate Murguia, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Glancey, seconded by Commissioner Bostelmann.

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

Motion carried unanimously.

**4. Case No. EL 20-26 – Richard Coelho Complaint against Dennis C. Walton, Independent Candidate for Representative to the Assembly, District 16 - WITHDRAWN**

Mr. Judnic stated that the challenge in this case had been withdrawn. Staff recommends ballot access.

**MOTION:** Grant ballot access to Candidate Dennis C. Walton, to appear on the November 3, 2020 General Election ballot. Moved by Commissioner Knudson, seconded by Commissioner Glancey. Motion carried unanimously.

**5. Case No. EL 20-27 – Richard Coelho Complaint against Robert Slamka, Democratic Party Candidate for Representative to the Assembly, District 78**

Mr. Judnic presented the facts of the case and staff's recommendation to grant ballot access. Candidate Slamka appeared on his own behalf.

**MOTIONS:**

1) Reject 63 challenges to signatures contained on Page 13, Lines 1 and 2; Page 17, Lines 1 and 2; Page 21, Lines 1 and 2; Page 24, Lines 1 and 4; Page 25, Lines 1 and 2; Page 27, Lines 3-9; Page 29, Lines 1 and 2; Page 30, Lines 1-10; Page 33, Lines 1 and 2; Page 35, Lines 1 and 2; Page 41, Lines 1, 2, 4 and 5; Page 42, Lines 1 and 3-6; Page 43, Lines 1-6 and 10; Page 44, Lines 3-10; Page 45, Lines 1 and 2; Page 51, Lines 1-4, as the challenger has not met his burden of proof to invalidate these signatures on Candidate Slamka's nomination papers.

2) Sustain 4 challenges to signatures on Page 30, Lines 7 and 8; Page 51, Lines 1 and 2 due to individuals signing the nomination papers of another candidate for the same office prior to signing the nomination papers of Candidate Slamka. Reject 4 challenges to signatures on Page 21, Lines 1 and 2; Page 27, Line 3; and

Page 42, Line 3 because the signatures appearing on a candidate for the same office prior to Candidate Slamka’s nomination papers were supplemental pages of the other candidate that were not included in the validated total of the other candidate.

3) Sustain 1 challenge to the signature on Page 17, Line 1 for signing Candidate Slamka’s nomination papers more than once.

4) Sustain 1 challenge to the signature on Page 39, Line 4 as the signer’s address is outside of the 78th Assembly District. Reject 1 challenge to the signature on Page 15, Line 1 as the signer’s address is within the 78th Assembly District.

5) Sustain 1 challenge to the signature on Page 9, Line 9 as the signer listed a commercial address on the nomination paper instead of their residential address.

6) Reject 5 challenges to the signatures on Page 30, Line 5; Page 48 Lines 2 and 3; Page 39, Line 3; Page 9, Line 3 as the addresses listed were valid within the circulation period or the addresses were valid due to the bracketing rule.

7) Verify a total of 218 valid signatures, grant ballot access to Candidate Slamka, and direct staff to prepare and issue a Findings and Order consistent with this motion.

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.

**6. Case No. EL 20-28 – Roger S. Polack Complaint against Josh Pade, Democratic Party Candidate for Representative in Congress, District 1**

Mr. Judnic presented the facts of the case and staff’s recommendation to deny ballot access. Ms. Kristin Rulison appeared on behalf of Mr. Polack. Attorney Stacie Rosenzweig appeared on behalf of Candidate Pade.

**MOTIONS ON CHALLENGE:**

1) Sustain challenges to 2 signatures at: Page 1, Lines 3 and 4 due to the date of circulator being after signature dates.

2) Sustain challenges to 5 signatures at: Page 2, Line 1 (two candidates); Page 49, Line 5 (two candidates); Page 67, Lines 2 and 3 (two candidates); Page 96,

Line 1 (two candidate) and reject the remaining challenges for the reasons set forth above.

3) Sustain challenges to 3 signatures at: Page 66, Line 8 (out of district); Page 152, Line 3 (out of district) and Page 152, Line 10 (out of district) and reject the remaining challenges for the reasons set forth above.

4) Accept challenges to 16 signatures because the circulator was not the right person.

**MOTION ON SECTION 5.06 AND CHALLENGE RESULTS  
COMBINED:**

1) Verify a total of 1014 signatures and grant ballot access to Candidate Pade, and direct staff to prepare and issue a Findings and Order consistent with this motion.

Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

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

Motion carried unanimously.

**Case No. EL 20-29 – Brandon Jackson Appeal**

Mr. Judnic stated that Brandon Jackson filed an untimely challenge against Lena Taylor, which was received by email two minutes late. He said staff recommends dismissal because of the untimely filing.

Mr. Jackson appeared on his own behalf.

Discussion.

**MOTION:** Reject the appeal of Mr. Jackson based on the fact that our administrative code is clear and he missed the deadline. 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.

Chair Jacobs called for a recess at 1:31 p.m. The Commission reconvened at 2:01 p.m.

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

Lead Elections Specialist Diane Lowe made presentation based on a memorandum starting on page 71 of the June 10 Commission meeting materials regarding certifications of candidates.

Mr. Rydecki made a presentation based on the same memorandum regarding the nomination paper filing and review process and staff’s efforts to conduct it safely during the pandemic.

**MOTION #1:** The 367 candidates representing ballot-status parties marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the August 11, 2020 Partisan Primary, in addition to any candidates who were subject to challenge but were ultimately approved for ballot access by the Commission.

**MOTION #2:** The 14 independent candidates marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the November 3, 2020 General Election, in addition to any independent candidates who were subject to challenge but were ultimately approved by the Commission.

**MOTION #3:** The 70 candidates representing ballot-status parties and independent candidates marked “denied” on the “Candidates Tracking by Office” report are denied ballot access for the August 11, 2020 Partisan Primary and the November 3, 2020 General Election respectively, in addition to any candidates who were subject to challenge but were ultimately denied ballot access by the Commission.

**MOTION #4:** Candidate Michael Opela is denied ballot status for failing to submit the minimum number of nomination paper signatures and for failing to file a Declaration of Candidacy form as required by statute.

Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

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

Motion carried unanimously.

**G. Certification of May 12 Special Election Results**

Commission Chair Jacobs signed the certification of the Certification of the May 12 Special Election results in Congressional District 7.

## H. Voter Mailing Review

Administrator Wolfe made a presentation based on a memorandum in the June 10 Commission supplemental meeting materials regarding the voter information mailing planned to be sent by September 1. She asked the commissioners to sign off on the elements of the mailing, subject to some refinements following usability testing.

Commissioners and staff discussed the mailer and the absentee ballot request form that will be included along with the mailer.

**MOTION:** Adopt the elements of the draft mailer and direct staff to continue usability testing to refine the design to be finalized no later than June 19. Prior to June 19, WEC staff will provide the final mailer to the Commissioners. If a Commissioner requests a meeting to discuss any of the refinements to the mailer, a special meeting will be held no later than June 19. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Commissioner Knudson suggested setting a meeting for 4 p.m. on June 17, 2020.

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

Motion carried unanimously.

## I. HAVA Election Security Grant Spending Plan

Technology and Training Director Robert Kehoe made a presentation based on a written report starting on page 41 of the June 10 meeting materials regarding staff's proposal for spending the \$7.8 million HAVA Election Security Grant.

Commissioners and staff discussed the proposal for a two-phase spending plan and by consensus revised the three recommended motions.

**MOTION #1:** Direct staff to administer a HAVA Election Security subgrant program to counties at the rate of \$0.30 per voting-age resident plus \$35,000, not to exceed a total cost of more than \$3.88 million. As a condition of receipt of monies, all counties shall have as secure email and website or have a plan to obtain the same as a condition of receiving any funds.

**MOTION #2:** Direct staff to renew the administration of the Election Security subgrant to municipalities at the rate of up to \$1,200 per eligible jurisdiction, not to exceed a total cost of more than \$1,206,000, retroactive to January 1, 2020. If all funds are not requested by September 1, 2020, remaining monies shall be distributed to counties per rata based on voting age population for any unfunded or underfunded requests.

**MOTION #3:** The Commission directs WEC staff to submit the 2020 HAVA Security Grant spending plan to the US EAC outlining the two-phase approach outlined above.

All three 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.

## **J. Staff Update**

Administrator Wolfe made a brief presentation based on the Staff Update memorandum starting on page 51 of the June 10 commission meeting materials.

## **K. Ballot Templates for the November 3 Election**

Elections Specialist Cody Davies made a brief presentation based on a memorandum starting on page 65 of the June 10 commission meeting materials regarding ballot templates for the November 3 General Election.

**MOTION:** Approve the sample ballot designs presented by staff and directs staff to utilize the templates for the 2020 General Election. Moved by Commissioner Bostelmann, seconded by Commissioner Glancey. Motion carried unanimously.

## **L. Closed Session**

- 1. Election 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 Bostelmann, seconded by Commissioner Glancey.

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

Motion carried unanimously.

Commissioners adjourned to closed session at 4:49 p.m. and convened in closed session at 5:03 p.m.

**M. Adjourn**

The Commissioner adjourned in closed session at 5:45 p.m.

####

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.

June 10, 2020 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

August 23, 2020

June 10, 2020 Wisconsin Elections Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

September 1, 2020