



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
10:30 am January 28, 2022

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Dean Knudson, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference. Commissioner Julie Glancey initially attended by phone and later appeared by teleconference.

Staff present: Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Nathan Judnic, Jim Witecha, Brandon Hunzicker, John Smalley, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:39 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. Consider the two letters received by the Commission on January 10, 2022 from the Joint Committee for the Review of Administrative Rules (JCRAR)

a. Use of Drop Boxes to Return Absentee Ballots

Staff Counsel Jim Witecha presented an overview of the rulemaking process and the role of the JCRAR, as discussed in the memo, "Legal analysis of Wis. Stat. § 227.26(2)(b), its implications, and the Commission's independent promulgation of administrative rules," which was provided to the Commissioners and posted publicly prior to the meeting.

Discussion.

MOTION: In accordance with the directive from JCRAR, cease issuing guidance as to drop boxes and withdraw any guidance related to drop boxes.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion.

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

Motion failed 3-3.

MOTION: Staff is directed to draft a scope statement promulgated as an emergency rule regulating the use of drop boxes based upon the current guidance consistent with the unanimous motion on December 1, 2021.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

Commissioner Spindell asked for clarification that the scope statements would be brought back to the Commission for approval. Commissioner Thomsen affirmed this.

Discussion.

AMENDMENT: Staff is directed to develop a scope statement for an emergency rule as to drop boxes that would follow the ruling of the Waukesha Circuit Court that would be sent on to the governor and the Department of Administration within five days, without coming back to the commission for further input.

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.

ORIGINAL MOTION: Staff is directed to draft a scope statement promulgated as an emergency rule regulating the use of drop boxes based upon the current guidance consistent with the unanimous motion on December 1, 2021.

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

Motion failed 3-3.

Commissioner Thomsen suggested the Commission move onto the next item. Chairwoman Jacobs provided commissioners with the option to continue discussion. None of the commissioners indicated they wanted to continue the discussion.

The Commission took a break at 12:35 pm.

The Commission reconvened at 12:39 pm.

b. Correction of Errors and Omissions on Absentee Ballots

Discussion.

MOTION: Retract the guidance that the Commission issued at the October 2016 meeting relating to making corrections on the absentee ballot envelope.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion failed 4-2.

MOTION: Promulgate an emergency rule related to correction of absentee ballot envelopes.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

FRIENDLY AMENDMENT: To make the emergency rule consistent with current guidance.

Moved by Commissioner Thomsen. Rejected by Commissioner Knudson.

Discussion.

FRIENDLY AMENDMENT: To ask the staff to bring to the Commission two scope statements, one based on current guidance, and one based on best recommendations.

Moved by Commissioner Spindell. Accepted by Commissioner Knudson.

Commissioner Thomsen clarified that the emergency rule promulgation would not stop the process on the permanent rule.

AMENDED MOTION: Pursuant to January 10, 2022 letter from JCRAR, staff is directed to draft two scope statements for an emergency rule regarding corrections of absentee ballot envelopes, one of which reflecting current guidance and one of which reflecting staff's best recommendations.

Commissioner Knudson clarified that his motion includes that the scope statements should be presented as soon as possible to comply with the deadline expressed in the JCRAR order. The Commission and staff discussed scheduling the meeting at which the scope statements would be presented.

FRIENDLY AMENDMENT: Add a sentence clarifying that the Commission affirms it has never had guidance regarding the correction of absentee ballots.

Moved by Commissioner Thomsen. Accepted by Commissioner Knudson.

AMENDED MOTION: Pursuant to the letter from JCRAR dated January 10, 2022, and assuming that directive is regarding correction of absentee ballot envelopes, staff is directed to draft two scope statements for an emergency rule regarding corrections of absentee ballot envelopes, one of which reflecting current guidance and one of which reflecting staff's best recommendations. The Commission affirms it has never had guidance regarding the correction of absentee ballots.

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

Motion carried 6-0.

The staff will provide the Commission with the proposed scope statements by January 31, 2022 by 10:00 am. Staff will also notice a Commission meeting for January 31, 2022 at 6:00 pm.

D. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

The Commission adjourned at 1:31 pm.

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January 28, 2022 Wisconsin Election Commission meeting minutes prepared by:



Anna Langdon, Help Desk Staff

January 31, 2022

January 28, 2022 Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

March 9, 2022