



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
9:00 a.m. June 10, 2022

Open Session Minutes

Present: Commissioner Ann Jacobs, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

Staff present: Meagan Wolfe, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Riley Vetterkind, John Smalley, Riley Willman, Erin Hoag, Robert Williams, Allison Coakley, Regina Hein, and Anna Langdon, all by teleconference

A. Call to Order

Commission Chair Jacobs called the meeting to order at 9:04 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. Ballot Access Challenges and Issues

Chair Jacobs introduced the agenda item by reviewing ballot access procedures and deadlines. She noted the tight deadlines staff had to meet and thanked them for their hard work. Chair Jacobs then informed challengers and respondents of the procedures they should follow to ensure a smooth meeting. She stated that staff would provide an evaluation of the challenge, then the challenger and respondent would get five minutes each to make their case, respectively.

Discussion.

Administrator Meagan Wolfe appeared to clarify staff's role in the meeting and thank them for their work.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

D. Ballot Access Report and Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election

a. Case No. EL 22-52 – Janel Brandtjen Complaint against Matthew Brown, Democratic Party Candidate for Representative to the Assembly, District 22

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 42 challenges to individual signatures and not sustain 39 challenges to individual signatures.

No one appeared on behalf of the challenger.

Rachel Snyder appeared and presented arguments on behalf of Candidate Brown.

MOTION: The Commission sustains 42 challenges, and does not sustain 39 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 21-52.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Brown has 233 out of 200 required signatures.

b. Case No. EL 22-48 – Jordan Moskowitz Complaint against Rustin Provance, Libertarian Party Candidate for Representative in Congress, District 3

Staff Attorney Brandon Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 10 challenges to individual signatures.

Discussion.

No one appeared on behalf of the challenger.

Candidate Provance appeared and presented arguments on his own behalf.

Discussion.

MOTION: The Commission sustains 10 challenges to individual signatures in Moskowitz v. Provance (EL 22-48) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Provance has 984 out of 1000 required signatures.

c. Case No. EL 22-42 – Bryan Lee Complaint against Amber Provance, Republican Party Candidate for State Senate, District 3

Attorney Witecha noted that the legal staff does not participate in the initial two-phase review of nomination papers for ethical reasons. Chair Jacobs clarified that the review done by the legal staff is done for the Commission meeting on ballot access by preparing the memos and reviewing the substantive challenges.

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 15 challenges to individual signatures.

Discussion.

Challenger Lee appeared and presented arguments on his own behalf.

Candidate Provance appeared and presented arguments on her own behalf.

Discussion.

MOTION: The Commission sustains 15 challenges to individual signatures within Lee v. Provance (EL 22-42) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Provance has 391 out of 400 required signatures.

The Commission took a break at 10:17 a.m.

The Commission returned at 10:24 a.m.

d. Case No. EL 22-49 – Dylan Anderson Complaint against David Kunelius II, Republican Party Candidate for Congressional Representative, District 7

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 11 challenges to individual signatures and 10 challenges to individual signatures on one supplemental page.

No one appeared on behalf of the challenger.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 11 challenges to individual signatures within Anderson v. Kunelius (EL 22-49) in accordance with staff recommendations. The Commission also sustains the challenge to 10 signatures on one supplemental page.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Kunelius has 1002 out of 1000 required signatures.

e. Case No. EL 22-45 – Jordan Moskowitz Complaint against v. Jacob VandenPlas, Libertarian Party Candidate for Congress, District 8

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 46 challenges to individual signatures.

Discussion.

Discussion of EL 22-45 was tabled at 10:38 a.m. due to difficulties reaching Challenger Moskowitz. The Commission returned to this item at 10:48 a.m. after initial consideration of EL 22-44.

Challenger Moskowitz appeared on his own behalf but did not present arguments.

Nicholas Flatley appeared and presented arguments on behalf of Candidate VandenPlas.

Discussion.

MOTION: The Commission sustains 46 challenges to individual signatures in Moskowitz v. VandenPlas (EL 22-45) in accordance with staff recommendations in this memo.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

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

Motion carried 6-0. Candidate VandenPlas has 1027 out of 1000 required signatures.

f. Case No. EL 22-44 – Cathy Zeuske Complaint against Shaun Clarmont, Republican Party Candidate for Representative in Congress, District 8

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 140 challenges to individual signatures and not sustain 31 challenges to individual signatures.

Discussion.

Discussion of EL 22-44 was tabled at 10:48 a.m. due to issues with the memo originally uploaded in the meeting materials. The Commission returned to this item at 12:32 p.m. after consideration of EL 22-43, EL 22-50, and EL 22-51. An updated worksheet to replace the memo was distributed to the Commissioners and involved parties and posted on the Wisconsin Elections Commission website.

Staff Attorney Jim Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 140 challenges to individual signatures and not sustain 31 challenges to individual signatures.

Discussion.

Challenger Cathy Zeuske appeared and presented arguments on her own behalf.

Discussion.

Candidate Shaun Clarmont appeared and presented arguments on his own behalf.

Discussion.

MOTION: The Commission sustains 36 challenges as referenced in the staff worksheet and finds 1,025 verified signatures on the nomination papers.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Clarmont has 1025 out of 1000 required signatures.

g. Case No. EL 22-43 – Cathy Zeuske Complaint against Paul Boucher, Independent Candidate for Representative in Congress, District 8

Attorney Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 17 challenges to individual signatures and not sustain 89 challenges to individual signatures.

Challenger Cathy Zeuske appeared on her own behalf but did not present arguments.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 17 challenges, and does not sustain 89 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 22-43.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0. Candidate Boucher has 1019 out of 1000 required signatures.

h. Case No. EL 22-50 – Eric LaGesse Complaint against v. Mark Trofimchuck, Republican Party Candidate for State Senate, District 15

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain 46 challenges to individual signatures.

No one appeared on behalf of the challenger.

Erik Olsen appeared and presented arguments on behalf of Candidate Trofimchuck.

MOTION: The Commission sustains 46 challenges to individual signatures in LaGesse v. Trofimchuck (EL 22-50) in accordance with staff recommendations.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion carried 6-0. Candidate Trofimchuck has 546 out of 400 required signatures.

i. Case No. EL 22-51 – Morgan Hess Complaint against Micah Behnke, Republican Party Candidate for Representative to the Assembly, District 90

Attorney Witecha appeared and provided the facts of the case. He then presented staff's recommendation to sustain 102 challenges to individual signatures and not sustain 20 challenges to individual signatures.

Carly Gerads appeared and presented arguments on behalf of Challenger Hess.

No one appeared on behalf of the candidate.

MOTION: The Commission sustains 102 challenges, and does not sustain 20 challenges, in accordance with staff recommendations and the 2022 General Election Challenge Worksheet for EL 21-51.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion carried 6-0. Candidate Behnke has 200 out of 200 required signatures.

The Commission took a break for lunch at 11:47. They returned at 12:32 and considered EL 22-44 before moving on to EL 22-46.

j. Case No. EL 22-46 – Jane Bernstein Complaint against Timothy Michels, Republican Party Candidate for Governor

Chair Jacobs announced that Challenger Bernstein filed a point of order requesting that the Commission consider additional filings in the matter. She stated the participants would argue on the point of order, then the Commission would rule on it. The Commission would then turn to the substance of the challenge. Chair Jacobs noted that because the respondent did not have time to respond to the point of order, they would have additional time (five minutes) to respond to the point of order. Those appearing on behalf of the challenger would have three minutes to present their point of order.

Discussion.

Jeff Mandell appeared on behalf of Challenger Bernstein and clarified that they had filed two points of order.

The following points of order were submitted to the Commission prior to the meeting:

1. Counsel for Challenger Jane Bernstein requested the Commission accept for consideration supplemental materials for EL 22-46.
2. Counsel for Challenger Jane Bernstein sought to extend the allotted argument time for EL 22-46.
3. Counsel for Candidate Timothy Michels objected that the additional filings referenced in the first point of order are untimely and thus should not be considered by the Commission.

Discussion.

MOTION: The Commission does not accept any points of order.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

MOTION: Each party is allotted five minutes to speak on the points of order.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

Discussion.

Chair Jacobs clarified with Matthew Fernholz, appearing on behalf of Candidate Michels, that his point of order is that he disagrees with the first point of order. The points of order were then consolidated to the first two points of order:

1. Counsel for Challenger Jane Bernstein requested the Commission accept for consideration supplemental materials for EL 22-46.
2. Counsel for Challenger Jane Bernstein sought to extend the allotted argument time for EL 22-46 to 20 minutes.

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

Motion carried 6-0.

The Commission took three minutes to read through the points of order.

Jeff Mandell presented arguments on behalf of Challenger Bernstein regarding the points of order.

Matthew Fernholz presented arguments on behalf of Candidate Michels regarding the points of order.

Discussion.

MOTION: The Commission denies the first point of order as to receipt of the supplemental materials.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 5-1.

Chair Jacobs stated that the amount of time allotted to the speakers is within the discretion of the chair. She agreed with the second point of order and allowed each party 20 minutes to present their arguments. She noted that if a Commissioner disagreed with her ruling, they could vote to overrule her decision.

MOTION: To overrule Chair Jacobs' ruling and drop the second point of order.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion failed 3-3.

Jeff Mandell presented arguments on behalf of Challenger Bernstein.

Matthew Fernholz presented arguments on behalf of Candidate Michels.

Discussion.

MOTION: The Commission does not sustain the challenge to Timothy Michels ballot access, as set forth in EL 22-46 Bernstein v. Michels.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Discussion.

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

Motion carried 6-0. Candidate Michels has 3861 out of 2000 required signatures.

k. Case No. EL 22-47 – Trevor Ford Complaint against Patty Schachtner, Democratic Party Candidate for Representative in Congress, District 4

Attorney Hunzicker appeared and provided the facts of the case. He then presented staff's recommendation to sustain the challenge to all pages of Patty Schachtner's nomination papers.

David Hollander, representing Candidate Schachtner, appeared and raised a point of order asking that an affidavit he submitted to staff on June 10, 10:38 a.m. be considered by the Commission. The affidavit provided information refuting staff's determination that mail could not be successfully sent to the mailing address listed on Candidate Schachtner's nomination papers.

Discussion.

Chair Jacobs directed staff to send the affidavit to the Commissioners and Trevor Ford.

The Commission took a break at 3:31 p.m. to review the materials.

The Commission returned at 3:46 p.m.

Challenger Ford appeared and presented arguments on his own behalf.

David Hollander appeared and presented arguments on behalf of Candidate Schachtner.

Discussion.

MOTION: The Commission does not sustain the challenge set forth in Ford v. Schachtner EL 22-47.

Moved by Commissioner Spindell. Seconded by Commissioner Glancey.

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

Motion carried 6-0. Candidate Schachtner has 354 out of 200 required signatures.

E. Ballot Access Report and Certification of Candidates for the Partisan Primary Election and Certification of Independent Candidates for the General Election

Administrator Wolfe sent the Commissioners an email including the motions for this item and shared her screen for the public:

RECOMMENDED MOTION #1: The 325 candidates representing ballot-status parties marked “approve” on the “Candidates Tracking by Office” report are approved for ballot access for the August 9, 2022 Partisan Primary, in addition to any candidates who were subject to challenge but were ultimately approved for ballot access by the Commission.

RECOMMENDED MOTION #2: The 9 independent candidates marked “approved” on the “Candidates Tracking by Office” report are approved for ballot access for the November 8, 2022 General Election, in addition to any independent candidates who were subject to challenge but were ultimately approved by the Commission.

APPROVAL OF CHALLENGED CANDIDATES BASED ON TODAY’S DECISIONS

RECOMMENDED MOTION #3: The 75 candidates representing ballot-status parties and independent candidates marked “denied” on the “Candidates Tracking by Office” report are denied ballot access for the August 9, 2022 Partisan Primary and the November 8, 2022 General Election respectively, in addition to any candidates who were subject to challenge but were ultimately denied ballot access by the Commission.

DENIAL OF CHALLENGED CANDIDATES

RECOMMENDED MOTION #4: The following list of 9 candidates marked as “challenged” on the “Candidates Tracking by Office” report are approved for ballot access for the November 8, 2022 General Election who were subject to challenge but were ultimately approved by the Commission.

Matt Brown, Assembly District 22

David W. Kunelius II, Congressional District 7

Jacob J. VandenPlas, Congressional District 8

Shaun Clarmont, Congressional District 8

Paul David Boucher, Congressional District 8

Mark Trofimchuck, Senate District 15

Micah J. Behnke, Assembly District 90

Tim Michels, Governor

Patty Schachtner, Assembly District 28

RECOMMENDED MOTION #5: The 2 following candidates marked “challenged” on the “Candidates Tracking by Office” report are denied ballot access for the August 9, 2022 Partisan Primary and the November 8, 2022 General Election respectively, these candidates who were subject to challenge and were ultimately denied ballot access by the Commission.

Rustin Provance, Congressional District 3

Amber Provance, Senate District 31

MOTION: To combine recommended motions #1-5 into a single motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

MOTION: The Commission approves the consolidated motion as set forth in the previous motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

F. Consideration and Election of 2022-2024 Wisconsin Elections Commission Officers

a. Election of the Chair

Chair Jacobs entertained nominations for Chair.

Commissioner Spindell nominated himself.

Commissioner Millis nominated himself.

Chair Jacobs allowed the nominated Commissioners to present on why they would like to be chair.

Commissioner Spindell outlined reasons why the Commissioners should vote him in as Chair.

Commissioner Millis outlined reasons why the Commissioners should vote him in as Chair.

MOTION: To approve Commissioner Spindell as Chair.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

MOTION: To approve Commissioner Millis as Chair.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

b. Appointment of Vice-Chair and Secretary

Discussion.

Chair Millis asked for nominations for Vice Chair.

Commissioner Spindell nominated himself.

MOTION: To approve Commissioner Spindell as Vice Chair.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	No

Motion carried 5-1.

Commissioner Bostelmann nominated Commissioner Glancey for Secretary.

MOTION: To approve Commissioner Glancey as Secretary.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

G. Adjourn

MOTION: To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Jacobs.

Voice vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission adjourned at 4:19 p.m

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June 10, 2022 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

June 12, 2022

June 10, 2022 Wisconsin Election Commission meeting minutes certified by:

Julie Glancey, Commission Secretary

July 22, 2022

DRAFT