



# 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. August 3, 2022

Open Session Minutes

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

Staff present: Meagan Wolfe, Sharrie Hauge, Robert Kehoe, Jim Witecha, Brandon Hunzicker, Kelly McCormick, Riley Vetterkind, John Smalley, Riley Willman, Sara Linski and Anna Langdon, all by teleconference.

**A. Call to Order**

Commission Chair Millis called the meeting to order at 9:03 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. Closed Session**

**1. Discussion of Litigation**

**2. Possible Referral of Election Law Violations**

MOTION: To adjourn into closed session as allowed by Wis. Stat. § 19.85(1)(g) and § 19.85(1)(f).

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission moved into closed session at 9:04 a.m.

*Wisconsin Elections Commissioners*

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

Administrator  
Meagan Wolfe

The Commission reconvened into open session at 11:07 a.m. All Commissioners and staff listed above were present.

**D. Discussion and Possible Action Pertaining to 2016 Guidance on Absentee Ballot Certificate Correction**

Discussion.

**MOTION:** To drop guidance pertaining to absentee ballot certificate correction and all that entails from the WEC website and issue a notice to clerks informing them of the action.

Moved by Commissioner Spindell. Seconded by Chair Millis.

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

Motion failed 3-3.

**E. Electronic Registration Information Center (ERIC) Processes**

Deputy Administrator Robert Kehoe presented information on processes carried out by Commission staff concerning ERIC movers data.

Discussion.

Deputy Administrator Kehoe presented information on the two other ERIC processes: the 2022 Eligible but Unregistered mailing, and 2020 General Election voter participation reports.

Discussion.

**F. Badger Voters Pricing**

Deputy Administrator Kehoe briefed the Commission on staff's analysis of the Badger Voters pricing scheme.

Discussion.

**MOTION:** To direct staff to look at the Badger Voters pricing scheme and come back to the Commission with alternatives on the cost of the total list to bring it in line with other states.

Moved by Commissioner Spindell. Seconded by Chair Millis.

Chair Millis asked staff if action could be taken based on how the agenda item was noticed.

Staff Attorney Jim Witecha confirmed that the agenda item was not properly noticed for action.

Chair Millis withdrew the motion.

Chair Millis asked staff if it was possible to entertain a request to alter Badger Voter prices through an administrative rule at the August 31 Commission meeting to discuss the budget.

Attorney Witecha affirmed that this was permissible, and that a rule amendment would be necessary to modify the prices.

Discussion.

Administrator Meagan Wolfe clarified that at the August 31 meeting, the Commission could direct staff to begin work on a scope statement to alter the Badger Voters pricing scheme, but staff could not do any work on a scope statement prior to that direction.

Discussion.

### **G. Discussion and Possible Action on Referral Options Related to Alleged Unlawful Absentee Ballot Requests**

**MOTION:** Staff is directed to fully and promptly cooperate with federal, state and local law enforcement and election officials with regards to requests for information relating to the false procurement of absentee ballots.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

Chair Millis clarified that at the time of the August 3, 2022 Commission meeting, the Commission had not received a complaint, and Commission staff had discussed the authority of the Commission to make a criminal referral and decided at that time that the Commission was not in a position to do that based on the statutory authority of the Commission.

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

Motion carried 6-0.

**MOTION:** If a complaint is made to the commission pursuant to Wis. Stat. 5.05 as to the false procurement of absentee ballots, staff is directed to expedite consideration of that complaint and it shall be placed before the commission at the earliest opportunity.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

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

Motion carried 5-1.

Discussion.

**MOTION:** Direct WEC staff to provide the Commission with a plan to strengthen entry into MyVote with another authentication method, and report back within two weeks or sooner so the plan may be implemented for the 2022 elections.

Moved by Commissioner Spindell. Seconded by Chair Millis.

Discussion.

**FRIENDLY AMENDMENT:** Change the deadline to August 31, 2022.

Proposed by Chair Millis.

Discussion.

**FRIENDLY AMENDMENT:** Change the deadline to December 15, 2022.

Proposed by Chair Millis. Agreed to by Commissioner Spindell.

**AMENDED MOTION:** Direct WEC staff to provide the Commission with a plan to strengthen entry into MyVote with another authentication method, and report back by December 15, 2022.

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

Motion failed 3-3.

Discussion.

## **H. Discussion and Possible Action Relating to Post-Teigen Ballot Return Guidance to Clerks**

Discussion.

**MOTION:** Provide 52 U.S. Code § 10508 to clerks as additional guidance: “Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.”

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Discussion.

**FRIENDLY AMENDMENT:** To not provide the statute to clerks as guidance, but rather send them 52 U.S. Code § 10508, notifying them that it is federal law regarding voters with disabilities.

Proposed by Commissioner Glancey. Accepted by Commissioner Spindell.

Attorney Witecha recommended compiling a list of challenged statutory provisions into a clerk communication recommending that clerks discuss those laws with their municipal attorney in light of the *Teigen* decision.

Discussion.

**FRIENDLY AMENDMENT:** In addition to 52 U.S. Code § 10508, compile a list of relevant statutory provisions into a clerk communication.

Proposed by Commissioner Bostelmann. Accepted by Commissioner Spindell.

Discussion.

**FRIENDLY AMENDMENT:** Attorney Witecha shall send the clerk communication to the Commission for a passive review.

Proposed by Commissioner Bostelmann. Accepted by Commissioner Spindell with the understanding the draft will be circulated to the Commission by late Thursday night.

Discussion.

**FRIENDLY AMENDMENT:** The clerk communication shall advise clerks that if they have any questions on the referenced statutes, they should contact their municipal attorneys.

Proposed by Commissioner Glancey. Accepted by Commissioner Spindell.

**AMENDED MOTION:** Authorize staff to draft a clerk communication reminding clerks of relevant federal, state, and local statutes regarding voters with disabilities. Clerks will be advised that if have any questions on those statutes, they should contact their municipal attorneys. The clerk communication will be available to the Commission by the end of the day Thursday and will go to the chair for approval.

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

Motion carried 6-0.

## I. Adjourn

**MOTION:** To adjourn.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

The Commission adjourned at 1:34 p.m.

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August 3, 2022 Wisconsin Election Commission meeting minutes prepared by:

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Anna Langdon, Help Desk Staff

August 5, 2022

August 3, 2022 Wisconsin Election Commission meeting minutes certified by:

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Julie Glancey, Commission Secretary

September 21, 2022

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