

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

BEVERLY R. GILL  
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ANN S. JACOBS  
JODI JENSEN  
DEAN KNUDSON  
MARK L. THOMSEN, CHAIR

INTERIM ADMINISTRATOR MEAGAN WOLFE

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 East Washington Avenue  
Madison, Wisconsin  
10:00 a.m. Thursday, May 24, 2018

## Open Session Minutes

Present: Commissioner Mark Thomsen, Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey and Commissioner Dean Knudson

Absent: Commissioner Jodi Jensen (excused)

Staff present: Meagan Wolfe, Michael Haas, Richard Rydecki, Sharrie Hauge, Reid Magney, Tony Bridges, Michelle Hawley, Riley Willman, Sara Linski, Sarah Whitt, Nathan Judnic, and Diane Lowe

### **A. Call to Order**

Commission Chair Mark Thomsen called the meeting to order at 10:00 a.m.

### **B. Administrator's Report of Appropriate Meeting Notice**

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

### **C. Public Comments**

**Eileen Newcomer** of Madison appeared on behalf of the League of Women Voters of Wisconsin and read a prepared statement regarding League positions on issues related to absentee ballot envelopes, temporary overseas voters, supplemental poll lists, and opportunities for public input on spending of federal election security grant funds.

### **D. Minutes of Previous Meetings**

**MOTION:** Approve open session minutes of Wisconsin Elections Commission meetings of March 2, March 13, March 15, April 18 and April 23, 2018. Moved by Commissioner Knudson, seconded by Commissioner Jacobs. Motion carried unanimously.

## **E. Election Security Update**

Ms. Wolfe introduced the agency's Security Team, comprised of WisVote Specialist Tony Bridges, Elections Specialist Riley Willman and Training Officer Michelle Hawley, who made an oral presentation based on a memorandum starting on page 20 of the May 24 meeting materials.

Mr. Bridges discussed the agency receiving approval from the Department of Administration to hire six positions using the new federal HAVA grant funds, the status of implementing multi-factor authentication for access to the WisVote system, improvements to the active directory federated services servers that maintain access credentials, providing clerks with state email addresses for improved security, centralization of web applications and scanning for internal vulnerability.

Chair Thomsen asked about the timeline for implementing multi-factor authentication and whether it can be accomplished before the August Partisan Primary. Mr. Bridges said the Department of Administration may have an interim solution in place by then.

Ms. Hawley discussed planning for the election security training program the agency will be rolling out to local election officials in June, based on tabletop exercises staff participated in at the Belfer Center at Harvard University earlier this year. Staff will be training local trainers in eight regions.

Mr. Willman discussed communications materials the agency is developing for local election officials to help them in the event of a cyber incident.

Chair Thomsen asked about the process for collecting feedback on the agency's cyber security plans from the public and other interested parties. Ms. Wolfe discussed the two-phase approach staff introduced at the last Commission meeting to address immediate agency needs for the November election, followed by gathering input for long-term use of the funds. Commissioner Jacobs urged the staff to start soliciting feedback now with a deadline in mid-December 2018.

## **F. Badger Book – Pilot Update and Plan for August**

WisVote Elections Specialist Sara Linski made a presentation based on a written report starting on page 26 of the May 24 Commission meeting materials regarding the electronic poll book application the Commission staff has developed and which was tested in five locations at the Spring Election on April 3. Based on feedback from users and voters, staff will make changes to the system before making it available to clerks for use starting with the August 14 Partisan Primary. She noted that the biggest area in need of improvement was the time it took to scan photo IDs.

Commissioners and staff discussed feedback staff received from the pilot program and plans for updates prior to the Partisan Primary. Ms. Linski said staff is looking at different hardware configurations. She stated that interest in implementing Badger Books for the remaining 2018 elections is limited, but that many more clerks have expressed interest in 2019 and beyond.

## **G. ERIC – Update from April and Plans for 2018**

WisVote Functional Lead Sarah Whitt made a presentation based on a written report starting on page 37 of the May 24 Commission meeting materials regarding the use of supplemental poll books at the Spring Election to ensure that any voter deactivated as a result of the ERIC movers postcard process who had not moved was not required to reregister to vote. She said 419 municipalities reporting having at least one voter on the supplemental poll list, with a total of less than 1,500. Staff recommends continuing the use of supplemental poll lists for the Partisan Primary in August, after which the Commission can evaluate the data and decide how to proceed for the General Election in November.

Ms. Whitt also discussed the next ERIC mailing, which will involve sending postcards to approximately 600,000 Wisconsin residents who appear to be eligible to vote but are unregistered.

## **H. Recount Manual**

Chair Thomsen asked Vice Chair Jacobs to take the gavel at 11:21 a.m. so he could step out of the meeting.

Staff Counsel Michael Haas and Senior Elections Specialist Nathan Judnic made a presentation based on a written report starting on page 26 of the May 24 Commission meeting materials regarding questions raised by Commissioner Knudson about recounts.

Mr. Judnic discussed the difficulty of including nuances of case law regarding recounts into the manual. Commissioner Knudson expressed his desire for there to be understandable common language in the manual about which actions are mandatory and which are not.

Mr. Haas noted that the manual is focused on procedures for boards of canvassers to follow during a recount and not the legal reasons behind them.

Chair Thomsen returned to the meeting at 11:37 a.m.

Commissioners and staff discussed the content of the recount manual and the idea of putting the staff report for this agenda item on the website along with the manual, as well as adding a note to the manual encouraging clerks to contact the Commission with questions.

## **I. Representative Zamarripa Nomination Paper Request**

Mr. Haas made a presentation based on a memorandum starting on page 77 of the Commission meeting materials about Representative JoCasta Zamarripa's request to use a post office box or a

street address without an apartment number for her nomination papers due to threats she has received over the years. He noted that the former State Elections Board and Government Accountability Board granted similar requests to other candidates in the past on a limited case-by-case basis.

**MOTION:** Approve the use of a post office box address rather than a residential address on the nomination papers and Declaration of Candidacy form submitted by Candidate JoCasta Zamarripa. This decision applies to future election cycles, absent a change in evidence establishing that Candidate Zamarripa no longer resides in the district in which she is a candidate.

Discussion. Commissioner Knudson expressed an interest in the Commission establishing criteria for evaluating future requests.

Motion carried unanimously.

Chair Thomsen said he would entertain a motion to convene in closed session to consider item N out of agenda order regarding US-DOJ UOCAVA Definition.

**MOTION:** Move to closed session pursuant to Wis. Stat. §§ 19.85(1)(g) to confer with counsel concerning potential litigation. Moved by Commissioner Jacobs, seconded by Commissioner Glancey.

Roll call vote:	Gill:	Aye	Glancey:	Aye
	Jensen:	Absent	Jacobs:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried unanimously.

The Commission recessed at 11:55 a.m. and convened in closed session at 12:03 p.m., returning to open session at 12:43 p.m.

## **N. US-DOJ UOCAVA Definition**

Mr. Haas discussed potential litigation with the U.S. Department of Justice regarding the treatment of temporary overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act. The US-DOJ is asking the Commission to enter into a consent decree so voters who are temporarily overseas can be treated the same as permanent overseas voters and receive an absentee ballot electronically, as well as to vote by using the Federal Write-in Absentee Ballot (FWAB). Legislative changes to accomplish this were requested by the Commission and passed by the Assembly this session, but were not passed by the Senate.

Mr. Haas introduced Assistant Attorney General Thomas Bellavia, who is representing the Commission in the potential litigation. Mr. Bellavia noted that the US-DOJ has sent the Commission a letter saying they have authorization to file a lawsuit, but are offering a settlement in advance.

Commissioner Jacobs read the following motion, which the Commission unanimously approved during the closed session:

**MOTION:** Provide contingent authorization to the Wisconsin Department of Justice to enter into a consent decree with or without the proposed edits and to take what other legal action within that litigation to protect Wisconsin's interests.

Mr. Haas noted that a federal court must approve the consent decree for it to become final, after which it will become public.

## **J. Absentee Ballot Envelope Orientation**

Elections Supervisor Richard Rydecki made a presentation based on a memorandum starting on page 96 of the Commission meeting materials regarding a request from the League of Women Voters of Wisconsin (LWV) about absentee ballot envelopes. Historically there were two versions of the envelope, in landscape and portrait orientation. He said the Commission no longer makes available the landscape version because of difficulties that automated postal equipment has in distinguishing between addresses on the envelope, sometimes resulting in envelopes being returned to sender. However, some clerks are still using existing stocks of landscape envelopes. LWV has asked the Commission to tell clerks not to use them any longer for mailing absentee ballots.

Commissioners and staff discussed logistical and practical issues with the situation.

**MOTION:** Direct staff to alert clerks of the problem related to use of portrait absentee ballot certificate envelopes for mailing absentee ballots, inform clerks that old stock of landscape envelopes may be used through the August 14 Partisan Primary for mail but that portrait envelopes are required for mailing for the November 6 General Election. Also, direct staff to further research problems with postal equipment reading absentee ballot envelopes. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

## **K. Approval of Ballot Design**

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum starting on page 85 of the Commission meeting materials regarding approval of ballots for the 2018 Partisan Primary and the General Election. The format is essentially the same as the format approved for the 2018 Spring Election, and has been provided in advance to the chairs of the state Democratic and Republican parties, as well as the chairs of the two election committees of the Legislature.

Commissioners and staff discussed issues related to the anticipated large number of gubernatorial primary candidates.

**MOTION:** Approve the ballot design presented by staff and direct its staff to utilize the ballot design for the Partisan Primary and the General Election in 2018. Moved by Commissioner Glancey, seconded by Commissioner Jacobs. Motion carried unanimously.

## **L. Certification of April Statewide Referendum Results**

Ms. Wolfe noted that the April Statewide Referendum on elimination of the State Treasurer's Office is being recertified because Washburn County did not include its referendum results in its original canvass statement. The overall results defeating the constitutional amendment did not change.

Chair Thomsen signed the amended canvass certification.

## **M. Summary of the 2019-21 Biennial Budget Process**

Chief Administrative Officer Sharrie Hauge made a presentation based on a memorandum starting on page 94 of the Commission meeting materials regarding preparations for the 2019-21 biennial budget, which is due September 17.

Ms. Wolfe discussed how the Commissioners can be involved in the budgeting process and said staff will provide an update at the June 11 meeting. She noted that the Department of Administration has just approved hiring six federally-funded positions from June 1, 2018 through June 1, 2022.

## **O. Selection of Commission Officers**

Chair Thomsen directed Commissioners to the memorandum on page 104 of the Commission meeting materials regarding selection of officers for the next two years.

**MOTION:** Nominate Commissioner Dean Knudson to serve as chair of the Wisconsin Elections Commission for a two-year term, effective June 11, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

**MOTION:** Nominate Commissioner Jodi Jensen to serve as vice chair of the Wisconsin Elections Commission for a two-year term, effective June 11, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

**MOTION:** Nominate Commissioner Julie Glancey to serve as secretary of the Wisconsin Elections Commission for a two-year term, effective June 11, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Gill. Motion carried unanimously.

## **P. Commission Staff Update**

Ms. Wolfe directed Commissioners to the Staff Update memorandum on page 106 of the Commission meeting materials. She noted the items regarding staff monitoring of

absentee ballot transmission to Military and Overseas voters and the status report on complaints to the agency.

Ms. Wolfe directed Commissioners to the supplemental meeting materials containing five examples of new Wisconsin Elections Commission logos designed by the KW2 advertising agency. She said staff is recommending the circle design logo. Commissioners agreed by consensus.

**Q. Adjourn**

**MOTION:** Adjourn. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

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The next meeting of the Wisconsin Elections Commission is scheduled for Monday, June 11, 2018, at the State Capitol in Madison, Wisconsin beginning at 10:00 a.m.

May 24, 2018 Wisconsin Elections Commission meeting minutes prepared by:

  
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Reid Magney, Public Information Officer

June 1, 2018

May 24, 2018 Wisconsin Elections Commission meeting minutes certified by:

  
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Julie Glancey, Commission Secretary

June 11, 2018