

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
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
8:00 a.m. Tuesday, January 9, 2018

Open Session Minutes

Present: Commissioner Mark Thomsen, Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Jodi Jensen and Commissioner Dean Knudson (all by telephone)

Staff present: Michael Haas, Nathan Judnic, Sharrie Hauge, Richard Rydecki and Reid Magney

A. Call to Order

Commission Chair Mark Thomsen called the meeting to order at 8:00 a.m.

B. Administrator's Report of Appropriate Meeting Notice

Interim Administrator Michael Haas informed the Commissioners that proper notice was given for the meeting.

C. Minutes of Previous Meetings

December 12, 2017

MOTION: Approve open session minutes of the December 12, 2017 meeting of the Wisconsin Election Commission as submitted. Moved by Commissioner Knudson, seconded by Commissioner Gill. Motion carried unanimously.

D. Ballot Access Challenges and Issues

Administrator Haas reported that the Commission received no ballot access challenges.

E. Ballot Access Report and Certification of Candidates for 2018 Spring Election

Lead Elections Specialist Diane Lowe made an oral presentation based on a written report starting on page 10 of the January 2018 meeting materials regarding ballot access for the 2018

Spring Election. Of the 76 candidates who registered, Commission staff recommends 74 for approval. Two did not file nomination papers.

MOTION: Deny ballot status for the two candidates listed as “denied” on the Candidates Tracking by Office report contained in the January 2018 Commission meeting materials. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

MOTION: Certify ballot status for the 74 candidates listed as “approved” on the attached Candidate Tracking by Office report. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

F. Request for Review of Voting Equipment Software Components

Staff Counsel Nathan Judnic made an oral report on the status of plans to provide the Jill Stein campaign with access to voting equipment software components. Staff is completing work on the draft plan, and recommends the Commission hold a special meeting at the end of January to discuss and potentially approve the plan.

Commissioners discussed scheduling a meeting and reached consensus to hold the meeting at 9 a.m. Wednesday, January 31, by teleconference.

G. Delegation of Authority to Administrator

Interim Administrator Haas made an oral presentation based on a memorandum starting on page 44 of the Commission’s January 2018 meeting materials regarding delegation of authority. The motion is exactly the same as the one approved in late 2016. Mr. Haas described the history of the Commission’s delegation of authority to the administrator.

Commissioner Knudson asked about language in the memo stating that the administrator will “consult with the Commission Chair to determine whether Commission members should be polled or a special meeting conducted before action is taken.” He noted that polling members could constitute an illegal meeting. Mr. Haas and Chair Thomsen agreed.

Commissioner Jacobs said she would make the motion with Commissioner Knudson’s amendment, striking language regarding polling members.

MOTION: Pursuant to the Commission Administrator’s role as agency head and the State’s chief election official, the Wisconsin Elections Commission delegates the authority described below to its Administrator. In exercising all delegated authority, the Administrator is required to report, at the Commission meeting immediately following the delegated action, the specifics of the action taken, the basis for taking the action, and the outcome of that action.

1. The following authority is delegated to the Administrator subject to the requirement that before it is exercised, the Administrator consult with the Commission Chair to determine whether a special meeting should be held:

- To issue compliance review orders under the provisions of Wis. Stat. § 5.06;
 - To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Commission;
 - To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
 - To implement the Commission's determinations regarding sufficiency of nomination papers or qualifications of candidates;
 - To communicate with litigation counsel representing the Commission in order to make timely necessary decisions regarding Commission litigation;
 - To make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed administrative rule does not have an economic impact.
 - To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), subject to the further provisions of this paragraph. The Administrator is required to request approval from the Commission for contracts involving a sum exceeding \$100,000, or for purchases from a statewide contract over \$100,000. The Administrator is required to request approval from the Commission prior to posting a Request for Proposal or Request for Bid. In addition, the Administrator may enter into a sole source contract only after obtaining approval from Commission Chair and providing five days' prior notice to the Commission regardless of the dollar amount.
2. The following authority is delegated to the Administrator without the requirement for prior consultation with the Commission Chair before action is taken:
- To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
 - To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);
 - To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
 - To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), for contracts involving a sum not exceeding \$100,000, or for purchases from a statewide contract involving sums not exceeding \$100,000.

- To issue written informal advisory opinions pursuant to Wis. Stat. §5.05(6a) related to recurring issues or issues of first impression for which no formal advisory opinion has been issued.

Moved by Commissioner Jacobs, seconded by commissioner Knudson. Motion carried unanimously.

H. Request for Senate Public Hearing Re. Administrator Confirmation

Commissioner Knudson noted that the Commission appointed Mr. Haas as interim administrator more than 18 months ago, and it is time for the Senate to do its part and hold a confirmation hearing prior to a vote on confirmation.

MOTION: Request a Senate public hearing on the confirmation of Michael Haas as administrator of the Wisconsin Elections Commission. Moved by Commissioner Knudson, seconded by Commissioner Jacobs.

Commissioners discussed how to communicate the motion to the Senate and agreed to send a letter.

Chair Thomsen called the question. The motion carried unanimously.

I. Staff Update

Interim Administrator Haas provided an oral update on development of the electronic poll book system and plans to have pilot sites in April instead of February to give staff more time to ensure the system is fully developed. He also informed the commission that he has been nominated to serve as secretary of the National Association of State Election Directors (NASSED) for 2018.

J. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending and potential litigation, and to discuss a personnel matter.

MOTION: Move to closed session pursuant to Wis. Stat. §§ 19.85(1)(g) to confer with counsel concerning pending and potential litigation and 19.85(1)(c) to consider the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Moved by Commissioner Jacobs, seconded by Commissioner Gill.

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

Motion carried unanimously. The Commission recessed at 8:32 a.m. and convened in closed session at 8:42 a.m.

K. Adjourn

The Commission adjourned in closed session at 9:01 a.m.

#####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, March 13, 2018, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m. The Commission will hold a special meeting by teleconference on January 31, 2018 beginning at 9:00 a.m.

January 9, 2018 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

February 5, 2018

January 9, 2018 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

March 13, 2018