

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
STEVE KING
DON MILLIS
MARK L. THOMSEN, CHAIR

Wisconsin Elections Commission
Wisconsin Elections Commission Offices
Room 225NW, State Capitol
Madison, Wisconsin
10:00 a.m. Tuesday, January 10, 2017

Open Session Minutes

Present: Commissioner Mark Thomsen, Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Steve King (all by telephone) and Commissioner Don Millis (in person)

Staff present: Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge and Reid Magney

A. Call to Order

Commission Chair Mark Thomsen called the meeting to order at 10:02 a.m.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Minutes of Previous Meetings

October 21, 2016

December 14, 2016

MOTION: Approve open session minutes of the October 21, 2016 meeting of the Wisconsin Election Commission as submitted. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

MOTION: Approve open session minutes of the December 14, 2016 meeting of the Wisconsin Election Commission as submitted. Moved by Commissioner King, seconded by Commissioner Jacobs. 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

Elections Supervisor Ross Hein made an oral presentation based on a written report starting on page 15 of the meeting materials regarding ballot access for the 2017 Spring Election. Of the 71 candidates who registered, Commission staff recommends 69 for approval. One candidate did not file a Statement of Economic Interests and the other candidate failed to list the election date on his nomination papers. The second candidate, Dennis Krueger, sought ballot access for Waupaca County Circuit Court Judge, Branch 1.

Dennis Krueger joined the meeting by telephone.

Staff Counsel Nathan Judnic made an oral presentation based on a written memorandum provided to commissioners responding to Mr. Krueger's appeal of staff's recommendation against granting ballot access. Mr. Judnic reviewed the staff's reasons for recommending against granting ballot access to Mr. Krueger for failing to list the election date in the header of his nomination papers. By the time Mr. Krueger filed his papers on January 3, it was too late to correct the error.

Mr. Krueger discussed the reasons for his appeal. He argued that staff had not fairly determined that his nomination papers are insufficient. He said his situation is exactly the same as a candidate named Edward Baumann, who omitted the date of a special election for Assembly in 2013, but was granted ballot access.

Mr. Judnic reviewed the facts of Baumann's situation and said it is an outlier, noting that in five cases since then the former Government Accountability Board denied ballot access to candidates who omitted the election date.

Commissioners questioned Mr. Krueger at length and discussed his request for ballot access.

MOTION: Deny ballot status for the seven candidates listed as "denied" on the Candidates Tracking by Office report contained in the January 2017 Commission meeting materials. Moved by Commissioner Jacobs, seconded by Commissioner Millis. Motion carried unanimously.

MOTION: Chair Thomsen said that he would entertain a motion that the Baumann decision issued by the Government Accountability Board, to the extent that it stands for the proposition that's inconsistent with the decision made today, is formally overruled and given no precedential value. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

Mr. Krueger left the meeting.

MOTION: Certify ballot status for the 69 candidates listed as "approved" or "pending" on the attached Candidate Tracking by Office report. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

Commissioner Jacobs raised the issue of absentee ballot witness statements. Commissioners and staff discussed whether to ask clerks to make changes to the certificates to clarify what address information witnesses are required to provide. Commissioners agreed that there is not enough time to make changes for the Spring 2017 election cycle, but that staff will make recommendations on changes for 2018 elections.

F. Administrator's Report

Administrator Haas reported that the Commission staff has received reports from counties on their recount costs, which total \$2,005,602. Staff will work to reimburse counties for their expenses and refund the Jill Stein campaign the balance of the money it posted for estimated recount costs. He also reported on his plans to attend the National Association of State Election Directors Winter Meeting from February 15 to 18.

G. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation

MOTION: Move to closed session pursuant to §§ 19.85(1)(g) to confer with counsel concerning pending litigation. Moved by Commissioner Jacobs, seconded by Commissioner King.

Roll call vote:	Gill:	Aye	Glancey:	Aye
	King:	Aye	Jacobs:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried unanimously. The Commission recessed at 11:41 a.m. and convened in closed session at 11:46 a.m.

H. Adjourn

The Commission adjourned in closed session at 12:10 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, March 14, 2017, at the Commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

January 10, 2017 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

February 6, 2017

January 10, 2017 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

March 14, 2017