

# 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  
9:00 a.m. Wednesday, January 31, 2018

## Open Session Minutes

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

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

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

Commission Chair Mark Thomsen called the meeting to order at 9:00 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. Request for Review of Voting Equipment Software Components**

Legal Counsel Nathan Judnic made an oral presentation based on a written memorandum starting on page 3 of the January 31 meeting materials regarding the Jill Stein campaign's request to review software components of voting equipment used in the 2016 Presidential Recount, which is permitted by state statutes. Staff has been working with the Stein campaign, voting equipment vendors and an independent testing lab to arrive at a plan for Stein's representatives to review the software components in a secure setting. Staff now recommends that the Commission adopt software components review parameters described in the memo. Given the complexity of the issues involved, staff recommends delaying the effective date of any final decision made by the Commission by 30 days.

Attorney Chris Meuler of the Stein campaign urged the Commission to approve the plan, effective February 15 rather than in 30 days.

Attorney Mike Cox spoke on behalf of the two voting equipment vendors, Dominion Voting Systems and Election Systems & Software (ES&S). He urged the Commission to delay the final decision for 30 days to give the vendors time to review the plan. He also said that some software components identified by the independent testing lab were not used in November 2016, and should not be included in the review. Attorney Cox also expressed concerns about setting limits on the time frame for the Stein campaign to review the software and the ability of the Stein campaign to publish whatever it wants about its review.

Commissioners and staff discussed the issues of limiting what the Stein campaign can publish and the amount of time for the review. Commissioners discussed amending the staff recommended motions to provide that the Stein campaign would provide the Commission and the vendors with a written examination plan by February 15, 2018, prior to any review, and that only software used in the 2016 General Election would be subject to review.

Chair Thomsen said he would entertain the following motions:

**MOTION #1:** The Wisconsin Elections Commission, with the exception of the first sentence contained in paragraph 4.a., adopts the memorandum, the Confidentiality Non-Disclosure Agreement (Attachment 1) and the opinion and technical packages of code identified in the Pro V & V, Inc. report (Attachment 2), to the extent those technical packages contain software components that were used in the 2016 General Election and therefore subject to review, as its final decision related to the Jill Stein for President request for access to software components under Wis. Stat. § 5.905(4).

**MOTION #2:** Paragraph 4.a. of the memorandum is modified to read: “By no later than the close of business on February 15, 2018, the Recipient shall provide the designated representative(s) of ES&S and Dominion (“Vendor”) and the Commission with a written examination plan concerning the specific details of all examinations to be conducted, including a reasonable timeframe for the review to occur.”

**MOTION #3:** Except for the deadline related to the written examination plan as described in amended Paragraph 4.a. of the memorandum, the final decision of the Wisconsin Elections Commission related to the Jill Stein for President request for access to software components under Wis. Stat. § 5.905(4) is effective March 2, 2018.

Motions moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motions carried unanimously.

#### **D. Commission Administrator Status/Tabled Motion**

Chair Thomsen discussed Commissioner Knudson’s motion to begin a search for a new administrator, which was tabled at the January 24, 2018, special meeting regarding the administrator. He suggested that the Commission not make a substantive decision until early March, which is within the 45-day period set by statute for the Commission to name an administrator. During that time, Mr. Haas would continue as interim administrator.

Commissioner Knudson said that because of the Senate's vote against confirmation, the administrator position is vacant. He urged commissioners to appoint an interim administrator and begin a search for a permanent replacement.

Commissioners further discussed the motion.

**MOTION:** Table Commissioner Knudson's motion until a special meeting on March 1 or 2, 2018. Moved by Chair Thomsen, seconded by Commissioner Jacobs.

Roll call vote: Gill:	Aye	Glancey:	Aye
Jacobs:	Aye	Jensen:	No
Knudson:	No	Thomsen:	Aye

Motion carried 4-2.

Chair Thomsen polled commissioners on their preference for a special meeting date. By consensus, commissioners agreed to meet at 9 a.m. on Friday, March 2 to discuss the tabled motion.

## **E. Closed Session**

Adjourn to closed session as required by statutes to confer with counsel concerning 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 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 Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 10:28 a.m.

## **E. Adjourn**

The Commission adjourned in closed session at 10:59 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 March 2, 2018 beginning at 9:00 a.m.

January 31, 2018 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

February 7, 2018

January 31, 2018 Wisconsin Elections Commission meeting minutes certified by:

---

Beverly Gill, Commission Secretary

March 13, 2018