

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission

State Capitol

Madison, Wisconsin

10:00 a.m. March 11, 2019

Open Session Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney, Nathan Judnic, Michelle Hawley, Riley Willman and William Wirkus

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Personal Appearances

Barbara Beckert of Milwaukee appeared on behalf of Disability Rights Wisconsin and the Wisconsin Disability Vote Coalition to comment in favor of removing the requirement from state law for all voters to state their name and address to receive a ballot in person.

Mike Johnson of Madison appeared on his own behalf to comment in favor of removing the requirement from state law for all voters to state their name and address to receive a ballot in person.

Martha Siravo of Madison appeared on her own behalf to comment in favor of removing the requirement from state law for all voters to state their name and address to receive a ballot in person.

Eileen Newcomer of Janesville appeared on behalf of the League of Women Voters of Wisconsin to comment on issues related to the Electronic Registration Information Center (ERIC) and other items on the Commission agenda.

Dane County Clerk Scott McDonell appeared on behalf of the Wisconsin County Clerks Association to comment on election security efforts regarding WisVote and to urge the Commission to take a lead in ensuring transparency with voting equipment vendors.

Karen McKim of Waunakee appeared on behalf of Wisconsin Election Integrity to comment on membership of the clerk election security advisory committee and urge the Commission to set up a second security committee that includes security experts and voters.

D. Minutes of Previous Meetings

1. December 4, 2018

MOTION: Approve open session minutes of Wisconsin Elections Commission meeting of December 4, 2018. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

2. January 11, 2019

MOTION: Approve open session minutes of Wisconsin Elections Commission meeting of January 11, 2019. Moved by Commissioner Jacobs, seconded by Commissioner Gill. Motion carried unanimously.

E. Election Security Update

Security Lead Tony Bridges and Elections Specialist Riley Willman gave a presentation based on a memorandum starting on page 16 of the March 11 Commission meeting materials regarding election security. They updated the Commission on successful implementation of multi-factor authentication by the end of 2018, vulnerability scanning and other measures that addressed immediate security improvements. They also discussed the second phase of the Commission's election security planning process, which involves gathering feedback from local election officials and members of the public about their needs and ideas to improve security. Staff will be forming three clerk advisory committees to address security, training and communications. They further discussed developing ways for the Commission and local election officials to communicate with the public about election security.

Commissioner Thomsen asked for those communication efforts to also include legislators.

F. Election Night Reporting Research

Senior Elections Specialist Nathan Judnic and GIS Specialist Greg Grube gave a presentation based on a memorandum starting on page 21 of the March 11 Commission meeting materials regarding staff's research on potential changes to Election Night reporting. They discussed the issues and challenges the Commission would face if it were to become involved in gathering and reporting unofficial results on Election Night. They also discussed issues with reporting absentee vote totals from Central Count facilities in Milwaukee County.

Commissioners and staff discussed the potential staff and technology costs of a statewide Election Night reporting system, issues involved with Central Count Absentee reporting, and ways staff can work with Central Count Absentee municipalities and counties to ensure timely, transparent reporting of results on Election Night.

The Commission took no action.

D. Minutes of Previous Meetings (continued)

3. February 14, 2019

MOTION: Approve open session minutes of Wisconsin Elections Commission meeting of February 14, 2019. Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried unanimously.

Chair Knudson called a brief recess at 11:27 a.m. The Commission reconvened at 11:35 a.m.

J. Legislative Update and Agenda

At the Chair's direction, this item was taken out of order.

Elections Specialist Robert Williams made a presentation based on a memorandum starting on page 90 of the March 11 Commission meeting materials regarding pending legislation.

Commissioners and staff discussed a bill that would remove the prohibition against a voter showing his or her marked ballot to another person.

Staff Counsel Michael Haas made a presentation based on a memorandum on page 92 of the Commission's meeting materials regarding the Commission's legislative agenda. He said staff is working with the Legislative Reference Bureau on drafting legislation to accomplish the agenda. There are three items for the Commission to consider adding to its legislative agenda: an exception to the requirement that a voter state their name and address; ballot harvesting statutes; and certification deadline in absence of a potential recount.

Commissioners and staff discussed the bill to allow voters with disabilities to receive assistance to satisfy the requirement for voters to state their name and address to receive a ballot. They also discussed a bill to revise statutes regarding curbside voting to make it more consistent with the Commission's guidance.

MOTION: Adopt the additional items outlined above to be included in its legislative agenda and directs staff to work with the Legislature to enact appropriate statutory changes. Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

G. Post-Election Audits

1. Voting Equipment Audits

Elections Specialists Robert Williams and Cody Davies made a presentation based on a memorandum starting on page 35 of the March 11 Commission meeting materials regarding the final report of the post-election voting equipment audits of the November 6 General Election. Clerks audited 186 reporting units and identified no programming issues or errors and found no irregularities. More than 135,000 ballots were hand-recounted twice, which is 5.1 percent of all ballots cast. They also reported that the WEC reimbursed municipalities \$40,914 for their costs in conducting the audits. Staff's next steps will be improving the instructions provided to municipalities selected for audits and researching better ways to reimburse them.

Commissioners and staff discussed voting equipment paper jams and other issues that did not affect the vote, as well as reimbursement.

MOTION: Accept the final report of the 2018 Post-Election Voting Equipment Audit and direct staff to issue a news release informing the public that the audits found no problems and no fraud. Moved by Commissioner Thomsen, seconded by Commissioner Gill. Motion carried unanimously.

N. Closed Session

Chair Knudson suggested moving to closed session in conjunction with the Commission's lunch break.

MOTION: Move to closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with counsel concerning litigation strategy and Wis. Stat. 19.851 to discuss possible violations of election law. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

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

Motion carried unanimously. The Commission convened in closed session at 12:27 p.m.

The Commission reconvened in open session at 1:19 p.m.

G. Post-Election Audits (continued)

2. Discussion of Other Audit Options

Assistant Administrator Richard Rydecki and Elections Specialist William Wirkus made a presentation based on a memorandum starting on page 56 of the March 11 Commission meeting materials regarding the Voluntary County Canvass Audit Program, Risk-Limiting Audit Research and Observation, and Election Process Reviews and Audits. Nine counties conducted voluntary county canvass audits and four of them asked for reimbursement. Wisconsin election officials are not able to conduct risk-limiting audits for various reasons, but staff continues to

research them. Process audits would be a tool to help ensure standardization throughout the state.

MOTION: Direct the staff to continue to assist and encourage counties to conduct voluntary canvass audits, to research proposed RLA pilot models for Wisconsin, and to explore different forms and the feasibility of implementing process audits in Wisconsin. Proposals or further research for RLA pilots or process audits may be presented for consideration at future Commission meetings. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

H. ERIC List Maintenance – Next Steps

WisVote Specialist Jodi Kitts and Elections Specialist William Wirkus made a presentation based on a memorandum starting on page 72 of the March 11 Commission meeting materials regarding the Electronic Registration Information Center (ERIC) list maintenance process.

Commissioners and staff discussed the effectiveness of postcard notifications to voters who may have moved, as well as information about how many voters used the supplemental poll lists. They also discussed staff's recommendations for how to handle the ERIC movers process in the future.

MOTION: Direct staff to suspend sending of any ERIC movers postcards until the next Commission meeting to reconsider it based on additional information and data analysis from staff. Postcards to eligible but unregistered voters may continue to be sent as they have previously. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen.

Discussion about whether Commissioner Jacobs' motion is compatible with the recommended staff motion. Commissioner Jacobs made a new motion.

MOTION: Direct staff to research and begin the implementation of the proposed ERIC list maintenance process in accordance with the staff recommendations stated herein. WEC staff will report back to the Commission at its June 2019 meeting on the status of implementation, technical feasibility of the new process, feedback from local election officials, and drafting of an administrative rule/proposed statutory change for the Commission's consideration. Further direct staff not to send out any ERIC movers postcards between now and the June 11 meeting, but permit the sending of eligible but unregistered postcards. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen. Motion carried unanimously.

I. Voter Fraud Report

Mr. Judnic made a presentation based on a memorandum starting on page 84 of the March 11 Commission meeting materials regarding the annual Report of Suspected Election Fraud, Irregularities or Violations to the Legislature. The timeframe for this report is February 16, 2018, through February 15, 2019, and includes 23 instances that were referred to District Attorneys for further investigation.

MOTION: Direct Commission staff to submit the attached cover letter and report titled “Report of Suspected Election Fraud, Irregularities or Violations” to the Legislature per Wis. Stat. §§ 7.15(1)(g) and 13.172(2). Moved by Commissioner Glancey, seconded by Commissioner Gill. Motion carried unanimously.

K. Commission Staff Update

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 95 of the March 11 Commission meeting materials. She discussed the Spring Primary in February, plans for the Spring Election on April 2, and the Special Election ordered in Assembly District 64. She also discussed Badger Books, usability training from the Center for Civic Design, and Wisconsin’s early adoption of multi-factor authentication for access to the state’s voter registration system.

L. Governor’s Budget Update

Ms. Wolfe and Chief Administrative Officer Sharrie Hauge made a presentation based on a memorandum starting on page 118 of the March 11 Commission meeting materials regarding the Governor’s proposed 2019-21 Biennial Budget.

Discussion.

MOTION: Direct staff to request a technical change to the budget to eliminate specific references to using HAVA security funds for the funding of four-year maintenance, ERIC mailings and ERIC membership dues, and further direct staff to request from the Legislature and the Governor’s office that the funding of four-year maintenance, ERIC mailings and ERIC membership dues be fully funded from GPR. Moved by Commissioner Jacobs, seconded by Commissioner Knudson. Motion carried unanimously.

M. Certify Candidates for Special Election in Assembly District 64

Ms. Wolfe made a presentation based on a memorandum contained in the March 11 Commission supplemental meeting materials regarding certification of candidates for the Special Election in Assembly District 64. The four candidates recommended for ballot access are Tip McGuire, Gina Walkington, Spencer Zimmerman and Mark Stalker. Staff recommends denial for two candidates, Pedro Rodrigues and Thomas Harland, who registered campaigns but did not submit nomination papers.

MOTION: Certify ballot access for the four candidates listed as “approved” on the report. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs. Motion carried unanimously.

H. Adjourn

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

The Commission adjourned at 2:50 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Tuesday, June 11, 2019, at the Wisconsin Elections Commission office in Madison, Wisconsin beginning at 10:00 a.m.

March 11, 2019 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

May 21, 2019

March 11, 2019 Wisconsin Elections Commission meeting minutes certified by:



Julie Glancey, Commission Secretary

June 11, 2019