

# 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  
STEVE KING  
MARK L. THOMSEN, CHAIR

ADMINISTRATOR MICHAEL HAAS

---

**Wisconsin Elections Commission**  
Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.m. Wednesday, May 23, 2017

## Open Session Minutes

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

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

### **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**

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

### **C. Minutes of Previous Meetings**

- 1. March 8, 2017 Teleconference Meeting**
- 2. March 14, 2017 Regular Meeting**

**MOTION:** Approve minutes of the March 8 and March 14, 2017 Wisconsin Elections Commission meetings as submitted. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

### **D. Personal Appearances**

There were no personal appearances.

## E. Administrative Rules

Legal Counsel Nathan Judnic made an oral presentation based on a memorandum starting on page 15 of the May 23 meeting materials. The memorandum provided an overview of the status of administrative rules that require the Commission's action. The rules are categorized in five groups.

### 1. Statements of Scope Submitted to the Governor's Office for Approval

- EL Ch. 4 (election observers)
- EL Ch. 3.60 (absentee ballot subscription service)
- EL Ch. 13 (training for election inspectors and special voting deputies)
- EL Ch. 6.06 (curbside voting procedures)

Mr. Judnic reported that on May 5 the Governor approved the scope statements for these four proposed rules, which were published in the Administrative Register on May 22. Staff will ask the Commission for approval on June 20 to begin drafting the rules for Commission action at the September 2017 meeting. Commissioners and staff briefly discussed the rules and their history. No Commission action is required at this time.

### 2. Notice of Proposed Rulemaking

- EL Ch. 6 (sufficiency of the EthCF-1 form and submission of documents by email)
- EL Ch 21 (written advice – repeal)

Mr. Judnic directed Commissioners to the memorandum on page 51 of the meeting materials regarding notices of proposed rulemaking. Both proposed actions deal with rules that were transferred from the Government Accountability Board to the Commission. Commissioners and staff discussed the proposed rulemaking and the timeline for submission to the rules clearinghouse, which will be as soon as possible following this meeting.

**MOTION:** Approve the “Proposed Rulemaking Order” and “Notice of Submittal of Proposed Rule to Legislative Council Rules Clearinghouse” included in the May 23, 2017 meeting materials for EL Ch. 6, and direct the Commission staff to submit the required notice and other required documents to the Legislative Reference Bureau, the Secretary of the Department of Administration and the Legislative Council Rules Clearinghouse to continue the promulgation of this rule. Moved by Commissioner King, seconded by Commissioner Glancey. Motion carried unanimously.

**MOTION:** Approve the “Proposed Rulemaking Order” and “Notice of Submittal of Proposed Rule to Legislative Council Rules Clearinghouse” included in the May 23, 2017 meeting materials for EL Ch. 21, and direct the Commission staff to submit the required notice and other required documents to the Legislative Reference Bureau, the

Secretary of the Department of Administration and the Legislative Council Rules Clearinghouse to continue the repeal of this rule. Moved by Commissioner Jacobs, seconded by Commissioner Gill. Motion carried unanimously.

### **3. Request for Permission to Draft Statements of Scope and Submission to Governor's Office**

- EL Ch. 5 and 7 (combine and revise electronic voting security and voting equipment approval chapters)
- EL Ch.12 (responsibilities of clerks to maintain records in WisVote)
- EL Ch. 20 (complaint procedure)

Mr. Judnic directed Commissioners to the memorandum on page 73 of the meeting materials regarding EL Chapters 5 and 7 on ballot and electronic voting equipment and approval for electronic voting equipment. He said staff's recommendation is to combine the two rules into a single chapter, which will help streamline approval. Commissioners and staff discussed the proposed rulemaking and timeline for approval. Mr. Haas said staff hopes to draft the scope statement and submit it to the Governor and publish before the September 2017 meeting.

**MOTION:** Direct staff to draft a Statement of Scope for EL Chapter 7 on Ballot and Electronic Voting Equipment Security and the Approval of Electronic Voting Equipment and submit the Statement of Scope to the Governor's Office for approval. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

Mr. Judnic directed Commissioners to the memorandum on page 75 of the meeting materials regarding certification and training of municipal clerks. The proposed rule will outline the responsibilities of clerks in maintaining records in the statewide voter registration system. Commissioners and staff discussed the proposed rulemaking.

**MOTION:** Direct staff to draft a Statement of Scope to amend EL Ch. 12 to formalize procedures for local election officials to maintain voter records in WisVote, and submit the Statement of Scope to the Governor's Office for approval. Moved by Commissioner Gill, seconded by Commissioner Jacobs. Motion carried unanimously.

Mr. Judnic directed Commissioners to the memorandum on page 79 of the meeting materials regarding complaint procedures. Staff recommends amending the rule to make it clearer that the procedures apply only to complaints filed against local election officials. Commissioners and staff discussed the proposed rulemaking.

**MOTION:** Direct staff to draft a Statement of Scope to amend EL Ch. 20 to provide the procedures for complaints filed under Wis. Stat. § 5.06, and submit the Statement of

Scope to the Governor's Office for approval. Moved by Commissioner King, seconded by Commissioner Jensen. Motion carried unanimously.

#### **4. Rules the Commission Staff Believe Should Be Placed on Hold Pending the *One Wisconsin* Appeal**

- Ch. EL 3.10, 3.11, 3.12 and 3.20 (special registration deputies)

Mr. Judnic directed Commissioners to the memorandum on page 85 of the meeting materials regarding possible changes to Ch. EL 3 to remove references to special registration deputies, which were eliminated through the repeal of Wis. Stat. § 6.26, effective in January 2017 with the advent of online voter registration. The elimination of special registration deputies has been challenged in the *One Wisconsin* case now before the 7<sup>th</sup> Circuit Court of Appeals. Staff recommends delaying action to amend the administrative rules until the litigation is resolved.

**MOTION:** Direct staff to take no action on amending EL 3.10, 3.11, 3.12 or 3.20 until the *One Wisconsin* litigation has been resolved. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

#### **5. Legislation Sought in Lieu of Rulemaking**

Mr. Judnic directed Commissioners to the memorandum on page 87 of the meeting materials regarding possible administrative rule changes that could be accomplished through legislation. These subjects include election notices, electronic proof of residence, absentee voting procedure for overseas voting, requiring provision of certain information by Election Day registration applicants, and definition of "same grounds" related to absentee voting in retirement homes and adult care facilities. Staff has been in contact with staff from Representative Bernier's office, and has been assured that legislation will be drafted and introduced to address the topic areas outlined in the memorandum. Commissioners and staff discussed the issues. No action was required.

## **F. IT Contracted Services**

Assistant Administrator Meagan Wolfe made an oral presentation based on a memorandum starting on page 89 of the May 23 meeting materials. Staff requests Commission approval of contracts for the agency's contracted IT developers. Commissioners and staff discussed the contracts and the many critical projects the IT developers work on.

**MOTION:** Approve the execution of one, three-year IT contract for the Systems Architect-1 position, not to exceed \$180,000 annually. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried unanimously.

**MOTION:** Authorize the continuation of IT contracts in FY 18 for the WEC's remaining two IT contract positions. Moved by Commissioner Jensen, seconded by Commissioner Jacobs. Motion carried unanimously.

## **G. Administrator's Report**

Administrator Haas reported that the Joint Committee on Finance has approved five of the six positions not included in the Governor's budget. Three new employees have joined the staff recently and will be introduced at the Commission's June meeting. He said staff has consulted with the Department of Administration and will begin recruitment for the five positions recommended for approval by Joint Finance.

Administrator Haas asked Commissioners whether they wished to authorize a per diem payment for this meeting.

**MOTION:** Authorize payment of one half day of per diem for the May 23, 2017 meeting. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

Chair Thomsen congratulated Commissioner Gill and Commissioner Glancey on their confirmation by the Wisconsin State Senate. He also discussed agenda items for the Commission's June 20 meeting.

## **H. Closed Session**

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

**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 Jensen.

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

Motion carried unanimously. The Commission recessed at 11:17 a.m. and convened in closed session at 11:28 a.m.

## **F. Adjourn**

**MOTION:** To adjourn. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

The Commission adjourned at 12:33 p.m.

####

The next regular meeting of the Wisconsin Elections Commission is scheduled for Tuesday, June 20, 2017, at the commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

May 23, 2017 Wisconsin Elections Commission meeting minutes prepared by:

  
\_\_\_\_\_  
Reid Magney, Public Information Officer

May 30, 2017

May 23, 2017 Wisconsin Elections Commission meeting minutes certified by:

\_\_\_\_\_  
Beverly Gill, Commission Secretary

June 20, 2017