

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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STEVE KING
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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. Tuesday, August 30, 2016

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
F. Approved Ballot Access for November 2016 Candidates	3
K. Approved Online Voter Registration Plans	4
M. Approve Procedures for Presidential Electors Nomination Meeting	4
N. Approved Actions on Administrative Rules	5
O. Approved 2017-2019 Budget Request	5
P. Approved Memorandums of Understanding with Wisconsin Ethics Commission	6
Q. Approved 2017 Meeting Dates	7

Present: Commissioner Mark Thomsen, Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Steve King (all in person) and Commissioner Don Millis (who joined the meeting by telephone at 11:15 a.m.)

Staff present: Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge, Reid Magney, Sarah Whitt and Jodi Kitts

A. Call to Order

Chair Thomsen called the meeting to order at 10:00 a.m.

B. Director's Report of Appropriate Meeting Notice

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

C. Personal Appearances

Mary Ann Hanson of Brookfield appeared on her own behalf to express her concerns regarding the Electronic Registration Information Center (ERIC) mailing.

Paul Malischke of Madison appeared on his own behalf to express his concerns that the ERIC mailing does not carry a photo ID message.

D. Minutes of Previous Meetings

MOTION: Approve open session minutes of the June 30, 2016 meeting of the Wisconsin Election Commission as corrected. Moved by Commissioner Gill, seconded by Commissioner Glancey. Motion carried unanimously.

E. Report on 2016 Partisan Primary

Lead Elections Specialist Diane Lowe made an oral presentation based on a written report starting on page 9 of the meeting materials regarding the August 9 Partisan Primary.

Discussion.

The report was for information only, and the Commission took no action.

F. Ballot Access Approval of Candidates for General Election

1. Partisan Primary Results and Independent State and Federal Candidates

2. Ballot Party Presidential Candidates

3. Independent Presidential Candidates

Ms. Lowe made an oral presentation based on a written report starting on page 13 of the meeting materials regarding approval of candidates for the General Election.

MOTION: Approve ballot status for the 2016 General Election of those candidates whose names appear on the “Candidates on Ballot by Election” list provided in the August 30, 2016 Wisconsin Elections Commission meeting materials.

MOTION: Approve ballot status for the 2016 General Election of the following Presidential and Vice Presidential candidates:

Party	Presidential Candidate	Vice Presidential Candidate
Republican Party	Donald J. Trump	Michael R. Pence
Democratic Party	Hillary Clinton	Tim Kaine

Constitution Party	Darrell L. Castle	Scott N. Bradley
Libertarian Party	Gary Johnson	Bill Weld
Wisconsin Green Party	Jill Stein	Ajamu Baraka

MOTION: Approve ballot status for the 2016 General Election of the following Independent Presidential and Vice Presidential candidates:

Party	Presidential Candidate	Vice Presidential Candidate
Workers World Party	Monica Moorehead	Lamont Lilly
American Delta Party	Rocky Roque De La Fuente	Michael Steinberg

All three motions moved by Commissioner Jacobs and seconded by commissioner King. Motions carried unanimously.

G. *Frank v. Walker* Affidavit Format and Guidance

Staff Counsel Nathan Judnic made an oral presentation based on a written report starting on page 17 of the meeting materials regarding voter ID litigation. He noted that Judge Adelman’s order directing the implementation of an affidavit option at the polls was stayed by the 7th Circuit Court of Appeals and therefore will not be in effect for the November election.

Commissioner Thomsen asked that the Commission formally thank the 7th Circuit Court of Appeals for its quick resolution of the appeals in the *Frank* and *One Wisconsin Institute* cases.

H. Legal and Procedural Guidance Resulting From *One Wisconsin Institute* Litigation

Mr. Judnic made an oral presentation based on a written report starting on page 19 of the meeting materials regarding litigation involving publicizing the Division of Motor Vehicles’ ID Petition Process.

I. Photo ID Informational Campaign

Public Information Officer Reid Magney made an oral presentation based on a written report starting on page 21 of the meeting materials regarding the status of the Bring It to the Ballot public information campaign about voter ID, including efforts to educate the public about the ID Petition Process. Commission members expressed concerns that the Department of Transportation issue ID cards and temporary receipts in a timely manner so that voters receive them soon enough to be able to cast a ballot. Commission members were specifically concerned

about temporary receipts being issued the week before and the week of the election, and whether they would reach the voter in time to cast a ballot.

J. Electronic Registration Information Center (ERIC) Initiative

WisVote Technical Lead Sarah Whitt and WisVote Specialist Jodi Kitts made an oral presentation based on a written report starting on page 25 of the meeting materials regarding voter registration postcards being mailed to 1.28 million Wisconsin residents as a condition of the state joining ERIC.

Commissioner Millis joined the meeting telephonically at 11:15 a.m.

Commissioners and staff discussed the mailing and the plans to handle the public response.

The Commission had previously authorized the mailing, and no official action was required.

K. Online Voter Registration Project

Ms. Whitt made an oral presentation based on a written memorandum starting on page 37 of the Commission meeting materials regarding staff's plans to implement 2015 Wisconsin Act 261 by creating an online voter registration system in cooperation with the Wisconsin Department of Transportation. Staff is finalizing a memorandum of understanding to be approved by the Commission at a later date.

MOTION: Approve the joint WEC/DOT plan to implement Online Voter Registration and the verification process outlined in the memorandum on page 37 of the August 2016 WEC meeting materials. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

L. Voter Felon Audit

Ms. Kitts made an oral presentation based on a written memorandum starting on page 41 of the Commission meeting materials regarding 2016 voter felon audits for the February 16, 2016 Spring Primary Election, which was completed on May 5, 2016, and for the April 5, 2016 Spring Election and Presidential Preference, which was completed on August 9, 2016.

The report was presented for the Commissioners' information, and no action was taken.

Chair Thomsen called a recess at 12:17 p.m. The Commission reconvened at 12:31 p.m.

M. Presidential Electors Nomination Meeting

Administrator Haas made an oral presentation based on a written memorandum starting on page 45 of the Commission meeting materials regarding the 2016 Presidential Electors Nomination

Meeting on October 4. He reviewed staff's recommended procedures to enable ballot status parties without eligible participants to publicly nominate their presidential electors.

MOTION: Approve staff's proposed procedure as outlined in the memorandum to enable ballot status parties without eligible participants to publicly announce their presidential and vice presidential candidates to meet the provisions of Wis. Stat. § 8.18, and authorize implementation of the procedure beginning with the October 4, 2016 Presidential Electors Selection Meeting. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

N. Administrative Rules

Staff Counsel Nathan Judnic made an oral presentation based on a written memorandum starting on page 47 of the Commission meeting materials regarding staff's efforts to promulgate administrative rules. Staff and Commissioners discussed timelines for completion.

MOTION: Approve the Statements of Scope for the proposed amendments to Chapters EL 6 and EL 21, and direct the Commission staff to draft administrative rules consistent with the approved Statements of Scope for these rules.

MOTION: Direct staff to resubmit Statements of Scope currently pending approval from the Governor's Office with the appropriate "EL" chapter references.

MOTION: Direct staff to prepare a report summarizing Statements of Scope authorized by the Government Accountability Board but not yet drafted in their entirety, and present it to the Commission at the last meeting of 2016 for further action.

All three motions moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

O. Proposed Agency Biennial Budget

Chief Administrative Officer Sharrie Hauge made an oral presentation based on a written memorandum contained in the Commission's supplementary meeting materials regarding the agency's 2017-2019 Biennial Budget Request. Staff has four recommended motions for the Commission to consider regarding the overall budget approach, creation of 22 permanent positions to replace federally-funded positions that will be expiring, adding funding to cover commission meeting expenses, and expanding the agency webmaster/PIO position's funding by .25 FTE to full time.

Administrator Haas noted that Commissioners were also provided with letters of support from county and municipal clerks. Commissioners and staff discussed the proposed budget and the ramifications if the Legislature were not to add 22 FTE state-funded positions to replace 22 federally-funded positions that will be expiring.

MOTION: Approve the overall approach of submitting a budget request for 2017-19 which continues current agency operations and the current level of total spending, and replaces expired federal funds with GPR funds in FY-19.

MOTION: Direct staff to include the creation of 22 Permanent GPR FTE in its 2017-19 biennial budget request to replace the federally funded 22 Permanent FTE when the agency's federal funds are depleted.

MOTION: Direct staff to include an additional \$8,500 in its base budget request annually to cover costs for Commission meeting expenses including per diem payments.

MOTION: Direct staff to request authorization for a .25 FTE funded position with GPR in the amount of \$20,600 in FY18 and \$20,600 in FY19.

All motions moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion Carried unanimously.

P. Memoranda of Understanding with Wisconsin Ethics Commission

Staff Counsel Judnic made an oral presentation based on a written memorandum starting on page 59 of the Commission meeting materials regarding the memoranda of understanding with the Wisconsin Ethics Commission for shared office space, shared staff and data exchange.

Commissioners and staff discussed the agreements and the confidentiality language added at the request of the Ethics Commissioners.

MOTION: Authorize the Administrator to execute the following Memoranda of Understanding with the Wisconsin Ethics Commission: Shared Office Space Agreement, Shared Staffing Agreement and Data Exchange Agreement. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

Q. Future Meeting Schedule

Administrator Haas made an oral presentation based on a written memorandum starting on page 83 of the Commission meeting materials regarding proposed 2017 meeting dates, in addition to the previously scheduled teleconference meeting on January 10, 2017:

Tuesday, March 14, 2017
Tuesday, June 20, 2017
Tuesday, September 26, 2017
Tuesday, December 12, 2017

MOTION: Adopt the 2017 meeting schedule as proposed. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

R. Commission Staff Update

Administrator Haas directed Commissioners to the written memorandum starting on page 85 of the Commission meeting materials regarding staff activities since the last meeting. The report was presented for the Commissioners' information, and no action was taken.

S. Per Diem Authorization

MOTION: Authorize one day per-diem for the meeting plus half a day for review of meeting materials. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

T. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation; and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session.

MOTION: Move to closed session pursuant to §§ 19.85(1)(g) and 19.85(1)(e) to confer with counsel concerning pending litigation, and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Moved by Commissioner Glancey, seconded by Commissioner Gill.

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

Motion carried unanimously. The Commission adjourned at 1:15 p.m. and convened in closed session at 1:24 p.m.

U. Adjourn

The Commission adjourned in closed session at 2:00 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Friday, October 14, 2016, at the commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

August 30, 2016 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

October 5, 2016

August 30, 2016 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

October 14, 2016