

# 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  
STEVE KING  
DON MILLIS

ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

## Wisconsin Elections Commission

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
9:30 a.m. Monday, November 28, 2016

### Open Session Minutes

Present: Commissioner Mark Thomsen and Commissioner Don Millis (in person); Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs and Commissioner Steve King (who joined the meeting by telephone)

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

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

Chair Thomsen called the meeting to order at 9:33 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. Recount Timeline**

Chair Thomsen said the Wisconsin Elections Commission has received recount petitions from Jill Stein of the Green Party and from independent candidate Roque De La Fuente. He made a statement regarding the bi-partisan structure of the Commission, and about the commissioners' confidence in the accuracy of the vote count. He discussed the ability of losing candidates to request a recount and said that he wants the recount to move ahead as quickly as possible so there are no allegations that the Commission is trying to stop the election from being certified by the deadline of December 13 under the federal safe harbor law.

Administrator Haas discussed the criteria for a valid recount petition, which only needs to state a belief that there has been a mistake in the vote total. He said that because the margin of victory is greater than .25 percent, if petitioners pay the estimated cost of conducting the recount, the Commission has no discretion to deny the petition.

Elections Supervisor Ross Hein briefed commissioners on a proposed timeline for the recount and gathering cost estimates from counties for the recount. The deadline for counties to complete their work would be noon on December 13.

Commissioner Jacobs asked whether a noon deadline on December 13 for counties would provide staff enough time to certify the election later that day. Commissioners and staff discussed the timeline and staff's plans to monitor progress during the recount.

**MOTION:** Require counties to complete their recounts by 8 p.m. on Monday, December 12. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

**MOTION:** Approve the staff's recommended timeline as amended and direct staff to provide the estimated recount fee, including any valid State costs, to the petitioning candidates on Monday, November 28, 2016, for payment due at the close of business on Tuesday, November 29, 2016. The Commission further directs staff to assess the full estimated recount fee to both petitioning candidates unless the candidates each submit payment for one-half of the total estimated cost by 4:30 p.m. on Tuesday, November 29, 2016. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

Administrator Haas addressed the Stein campaign's request for a statewide hand-recount.

**MOTION:** Direct staff to decline the Stein campaign request to order counties to tally all ballots by hand, and to permit each county to determine whether ballots will be counted by hand or using tabulating equipment, consistent with existing state law. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried unanimously.

**MOTION:** Postpone the voting equipment audit for selected municipalities until after the presidential recount. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried unanimously.

## **D. 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 Millis, seconded by Commissioner King.

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

Motion carried unanimously. The Commission convened in closed session at 10:21 p.m.

**U. Adjourn**

The Commission adjourned in closed session at 10:44 p.m.

####

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

November 28, 2016 Wisconsin Elections Commission meeting minutes prepared by:

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

December 9, 2016

November 28, 2016 Wisconsin Elections Commission meeting minutes certified by:

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

December 14, 2016