

WISCONSIN ELECTIONS COMMISSION

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ADMINISTRATOR MICHAEL HAAS



COMMISSIONERS

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

Wisconsin Elections Commission

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
10:00 a.m. Tuesday, December 12, 2017

Open Session Minutes

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

Staff present: Michael Haas, Meagan Wolfe, Richard Rydecki, Nathan Judnic, Diane Lowe, Robert Williams 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. Personal Appearances

Jordan Esten of Boston appeared on behalf of Clear Ballot Group to discuss his company's application for approval of new voting equipment later on the agenda.

Sheboygan County Clerk John Dolson appeared to speak in support of approval of Clear Ballot Group's voting equipment for sale in Wisconsin.

Brown County Clerk Sandy Juno appeared to speak in support of Assembly Bill 637 which would permit municipal clerks to use tabulating equipment during in-person absentee voting. She asked the Commission to direct the staff to work cooperatively with the authors of the bill.

Chair Thomsen and Administrator Haas discussed with Clerk Juno that the Commission has not taken a position on the bill, but staff has attended every meeting to which it has been invited to in

order to provide feedback. Chair Thomsen said the Commission would discuss the request later in the meeting under the agenda item for legislation.

Waukesha County Clerk Kathy Novack appeared to speak in support of Assembly Bill 637, which she said will provide significant cost savings to municipalities.

Erin Grunze of Madison appeared on behalf of the League of Women Voters of Wisconsin to support the Commission's request for additional staff and to comment on ballot designs and the voter ID study. She said many voters are still confused by the voter ID requirement and need additional education. She also commented that AB 637 should not be approved in its current form.

D. Minutes of Previous Meeting

November 20, 2017

MOTION: Approve minutes of the November 20, 2017 open session meetings as submitted by staff. Moved by Commissioner Jensen, seconded by Commissioner Knudson. Motion carried unanimously.

E. Clear Ballot Voting Equipment Testing and Approval

Elections Supervisor Richard Rydecki and Elections Specialist Robert Williams made an oral presentation based on a memorandum contained in the supplemental meeting materials regarding Clear Ballot Group's request that the Commission approve the ClearVote 1.4 voting system for sale and use in the State of Wisconsin. This is the first time this system has been offered for certification in Wisconsin. They reviewed the status of Clear Ballot's complete federal testing and pending certification, noting that any Commission certification would be contingent on U.S. Election Assistance Commission certification. They described the Wisconsin testing protocols used by staff and the tight timeline under which the equipment was tested in preparation for the Commission's meeting. They described the Clear Ballot system, which is based on commercial, off-the-shelf components. Staff is recommending approval of the system, contingent on Clear Ballot receiving final certification from the US-EAC.

Commissioners moved to another part of the office to view a demonstration of the Clear Ballot system. Upon returning to the meeting room, Mr. Rydecki completed his presentation.

MOTION: Adopt the staff's recommendations for approval of ClearVote 1.4 for sale and use in Wisconsin contingent upon the system receiving final certification from the EAC and a staff review of the EAC certification report. Moved by Commissioner Knudson, seconded by Commissioner Jacobs. Motion carried unanimously.

F. Agency Staffing Update

Administrator Haas made an oral presentation regarding plans to seek legislative approval of three permanent, full-time equivalent positions: elections security, voting equipment certification

and security, and voter services and outreach. Working with the Department of Administration and legislative staff, WEC staff determined that a request to the Joint Committee on Finance for position authority under §13.10 Wis. Stats. would be the most efficient means to secure approval. He reported that the request was submitted on December 8, and staff hopes that the Joint Committee on Finance will consider it at its next quarterly meeting, possibly in January.

No Commission action was required.

G. IT Contract Reallocation

Assistant Administrator Wolfe made a brief oral presentation based on a memorandum starting on page 7 of the December 12 meeting materials regarding staff's request for approval to enter into one, three-year contract for an IT contractor position for the term of December 18, 2017 through December 17, 2020. The annual cost of the contract will not exceed \$210,000. The Commission's delegation of contract authority requires pre-approval from the Commission for procurement contracts exceeding \$100,000. She explained that this is a reclassification of an existing position to reflect current responsibilities.

MOTION: Approve the execution of one, three-year IT contract for the position of Data Warehouse Developer III not to exceed \$210,000 annually, effective December 18, 2017. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

H. Proposed 2018 Ballot Designs

Lead Elections Specialist Diane Lowe made an oral presentation based on a memorandum starting on page 9 of the December 12 meeting materials regarding the format for the 2018 Spring Primary and Election ballot designs, which have not changed from the ballot formats approved by the Commission for the 2017 Spring Primary and Election. The Fall Partisan Primary and General Election ballot samples for 2018 will be sent to the state Republican and Democratic Party chairs and the chairs of the two elections committees of the Legislature for comments prior to staff bringing them to the Commission for approval at a later meeting.

MOTION: Approve the ballot design presented by staff and direct staff to utilize the ballot design for the Spring Primary and Spring Election in 2018. Moved by Commissioner Jensen, seconded by Commissioner Glancey. Motion carried unanimously.

I. Administrative Rules

Staff Counsel Nathan Judnic made an oral presentation based on a memorandum starting on page 16 of the December 12 meeting materials regarding the status of administrative rules. He reported that final rules are ready to be published for Wis. Adm. Code EL Ch. 6 (procedures related to registration statements and the filing of certain documents electronically) and Wis. Adm. Code EL Ch. 21 (repeal provisions related to written advice issued by the Commission).

Commission staff will now proceed with completing the final steps of the promulgation process, so these rules will be published and become effective January 1, 2018.

Mr. Judnic also reported that a Statement of Scope to amend current Wis. Adm. Code Ch. EL 3, to add § 3.03, relating to the treatment of online voter registration forms, has been submitted to the Department of Administration to obtain approval of the statement from the Governor's Office.

Commissioners and staff also discussed administrative rules related to election observers and curbside voting.

J. Legislative Agenda

Mr. Judnic made an oral presentation based on a memorandum starting on page 21 of the December 12 meeting materials regarding the Commission's legislative agenda. He discussed the possibility of recommending a Legislative Council Study Committee be convened to study several issues the Commission and its predecessor agency have identified over the years, but which have not resulted in legislation.

Chair Thomsen inquired about the status of the overseas voter issue. Mr. Judnic said nothing had happened in the Legislature, but a study committee could be another vehicle to get it before lawmakers. Administrator Haas also commented on the value of a study committee in getting many small, nonpartisan issues that cause problems for clerks resolved. Commissioner Jensen said the Commission has nothing to lose by asking, and spoke of her experience with a special study after the 2003 session.

Chair Thomsen said no motion was necessary for staff to pursue the idea of a study committee.

K. Legislative Update

Elections Specialist Robert Williams made an oral presentation based on a memorandum starting on page 35 of the December 12 meeting materials regarding the status of election-related legislation.

Commissioner Glancey commented on AB 637 regarding absentee voting and said Commission staff needs to work with the bill's authors to ensure it would not create additional problems. Administrator Haas said that is the approach staff has taken so far. Commissioner Knudson noted that while clerks are used to the Commission being responsive to their needs, this may be the time for the Commission to stay neutral with a goal of ensuring uniformity in voting procedures.

L. Operations and Management Policies and Procedures

Administrator Haas made an oral presentation based on a memorandum from Chief Administrative Officer Sharrie Hauge starting on page 45 of the December 12 meeting materials regarding operations and management policies and procedures. He said the

Commission is required to adopt an internal control plan each year and submit it to the to the appropriate standing committees of the Legislature. He said the plan has not changed significantly since the Commission approved it last year. He asked the Commission to approve the motion on page 46 of the meeting materials.

Commissioner Knudson made a statement regarding the report released December 5 by the Attorney General regarding an investigation into a leak of documents to the media from a John Doe investigation. He expressed concern about information in the report about how investigative records were handled by staff members of the former Government Accountability Board. Commissioner Knudson asked for a briefing by Department of Justice investigators so they can answer questions about the report.

Chair Thomsen agreed with the need for a DOJ briefing and said the Commission can address those issues in closed session.

MOTION: Approve WEC Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees. Moved by Commissioner Jensen, seconded by Commissioner Knudson. Motion carried unanimously.

M. Commission Staff Update

Administrator Haas directed Commissioners to a memorandum starting on page 69 of the December 12 meeting materials regarding the Staff Update. He briefly discussed the Electronic Registration Information Center (ERIC) mailing and noted that more than 20,000 people have used the online voter registration system to register or update their registration as a result of the ERIC mailing.

O. Closed Session

(This item was taken out of order.)

Adjourn to closed session as required by statutes to confer with counsel concerning litigation strategy, investigations and personnel matters.

MOTION: Move to closed session pursuant to § 19.85(1)(g) to confer with counsel concerning pending litigation, pursuant to § 19.851 to deliberate concerning investigations, and pursuant to § 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Moved by Commissioner Jensen, seconded by Commissioner Jacobs.

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

Motion carried unanimously. The Commission convened in closed session at 12:33 p.m. and reconvened in open session at 1:02 p.m.

N. UW Study Regarding Photo ID Requirement

Administrator Haas introduced Professor Kenneth R. Mayer of the University of Wisconsin-Madison, who made an oral presentation based on a study he conducted regarding the potential impact of the voter ID law on turnout in the 2016 Presidential Election in Wisconsin, which is included in the December 12 meeting materials starting on page 83 of the packet.

Professor Mayer said the study attempted to answer three questions: Did the requirement for photo ID affect turnout? How did people understand the law? And, did that understanding affect their likelihood of voting? He described the survey's methodology and findings.

Commissioners and staff discussed the study's methodology and findings with Professor Mayer. Commissioner Knudson asked whether he would be willing to release his raw data. Professor Mayer said he hopes he can release the data, however, the university's Human Subjects Review Committee places restrictions on releasing data that could identify individuals.

O. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning litigation strategy, investigations and personnel matters.

MOTION: Move to closed session pursuant to § 19.85(1)(g) to confer with counsel concerning pending litigation, pursuant to § 19.851 to deliberate concerning investigations, and pursuant to § 19.85(1)(c) to consider 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 Jensen.

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

Motion carried unanimously. The Commission convened in closed session at 1:45 p.m.

Chair Thomsen called the Commission back into in open session at 3:33 p.m. and said he would entertain a motion.

MOTION: Approve the following statement:

“We have reviewed the Attorney General’s report of December 5, 2017. Nothing in that report has caused us to question our support of Interim Administrator Michael Haas.

We remain unanimously in support of his current position, and continue to seek his appointment as permanent administrator. We recognize and support his authority as to supervision of the WEC staff.

“We will be requesting the appointment of an attorney by the Governor to assist us as necessary for matters relating to the Attorney General’s report.”

Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

P. Adjourn

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

The Commission adjourned at 2:34 p.m.

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The next regular meeting of the Wisconsin Elections Commission is a teleconference scheduled for Tuesday, January 9, 2018, at the Commission’s offices in Madison, Wisconsin beginning at 8:00 a.m.

December 12, 2017 Wisconsin Elections Commission special meeting minutes prepared by:



Reid Magney, Public Information Officer

January 3, 2018

December 12, 2017 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

January 3, 2018