

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

BEVERLY R. GILL  
JULIE M. GLANCEY  
ANN S. JACOBS  
STEVE KING  
DON MILLIS  
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, December 14, 2016

## Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
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J. Approved 2017 Ballot Design Template	4
K. Approved Commission Staff Work Rules	5
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M. Approved Operations and Management Policies and Procedures	5
G. Approved Changes to Post-Election Voting Equipment Audit	6

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

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

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

Commission Chair Mark Thomsen called the meeting to order at 10:04 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**

**Mary Ann Hanson of Brookfield** appeared on her own behalf to ask a series of questions about Wisconsin's membership in the Electronic Registration Information Center (ERIC). Chair Thomsen said staff would attempt to answer her questions later in the meeting under that agenda item.

**Bob Spindell of the City of Milwaukee Election Commission** appeared on his own behalf to describe his experiences visiting polling places on Election Day in the city of Milwaukee. He reported observing no significant waiting lines or problems, which he attributed to lower turnout.

Commissioners King, Jacobs and Thomsen questioned Mr. Spindell for several minutes about his observations. Chair Thomsen thanked Mr. Spindell for his report.

## **D. Minutes of Previous Meetings**

**October 14, 2016**  
**November 28, 2016**

Mr. Haas said minutes of the October 21, 2016 special teleconference meeting would be submitted for approval at a later date.

**MOTION:** Approve open session minutes of the October 14 and November 28, 2016 meetings of the Wisconsin Election Commission as submitted. Moved by Commissioner King, seconded by Commissioner Jacobs. Motion carried unanimously.

## **E. Review of 2016 General Election**

Elections Supervisor Ross Hein made an oral presentation based on a written report starting on page 19 of the meeting materials regarding preparations for the election and post-election activities. He discussed the Commission's efforts to provide training and support for local election officials, ballot review and printing issues, WisVote election readiness, voter education and outreach, the photo ID and ID petition process public information campaign, outreach to political campaigns and election observers, accessibility initiatives, the presidential electors nomination meeting, election system security and emergency readiness, recounts, and provisional ballots.

Commissioners and staff discussed these efforts in detail. The report was presented for informational purposes, and no action was taken.

## **F. Review of Presidential Recount**

Staff Counsel Nathan Judnic and Elections Supervisor Ross Hein made an oral presentation based on a written report contained in the supplemental meeting materials regarding the recount of the presidential race.

Commissioners and staff discussed issues that arose during the recount, including older voting equipment that did not record votes cast with nonstandard ink pens, problems with absentee certificates, and questions about observers at the recount. Mr. Judnic said staff will be holding a training webinar on January 11 that will include lessons learned from the recount.

Chair Thomsen and Administrator Haas complemented the Commission staff on its hard work during the recount to ensure a successful outcome.

Commissioner Millis left the meeting at 11:30 a.m.

## **G. Post-Election Voting Equipment Audit**

**Clerk Barb Goeckner of Germantown** appeared to speak about post-election audits and cost reimbursements. She said that while her municipality was not selected for an audit, other clerks have expressed concerns that they get only \$300 per audit regardless of the size of the reporting unit selected. She also commented on her experience as a recount tabulator in Washington County, which she described as a tremendous learning experience for clerks because they rarely get to see voted ballots. She also said clerks would like the Commission to proceed on standards for electronic poll books so clerks can acquire them for upcoming elections.

Commissioners questioned Clerk Goeckner about her experiences with absentee voting and the possible need for legislative changes to permit absentee ballots to be fed into tabulators before Election Day.

Chair Thomsen called a recess at 11:45 a.m. The Commission reconvened at 12 p.m.

Elections Specialist Richard Rydecki made an oral presentation based on a written report starting on page 33 of the meeting materials regarding the status of the post-election audit. Nine of 107 audits have been completed. Staff suspended the audit during the recount pursuant to the Commission's previous directive. He discussed the similarities and differences between recounts and audits, and said that in 70 out of the 107 reporting units selected for audits, ballots had been hand-recounted, satisfying many of the objectives of an audit. As a result, staff requested direction from the Commission on whether the post-election audit should be resumed.

Commissioners and staff discussed whether the Commission would be in substantial compliance with statutes if the audit was cancelled in lieu of the recount, and whether the public would have confidence in equipment that was not hand-recounted.

Commissioner Glancey suggested allowing municipalities selected for an audit in counties that conducted a hand-recount to not complete the audit, but require those that did not hand-recount to complete the audit. Commissioners discussed this idea at length and decided to delay a vote until Commissioner Millis could rejoin the meeting.

## **H. Electronic Registration Information Center (ERIC) Initiative**

WisVote Functional Lead Sarah Whitt made an oral presentation based on a written report starting on page 35 of the meeting materials regarding the ERIC postcard mailing to potentially unregistered voters in September. She said that ERIC may be able to help the Commission correlate which postcard recipients registered. Ms. Whitt answered as many of Ms. Hanson's questions about ERIC as she was able to and said she would follow up with additional information after the meeting.

## **I. Online Voter Registration Initiative**

Ms. Whitt and Election Specialist Meagan Wolfe made an oral presentation based on a written report starting on page 41 of the meeting materials regarding development of online voter registration functionality for the MyVote Wisconsin website. Testing of the new system will begin December 16 and it will go live on January 9, 2017. Ms. Wolfe briefed commissioners on staff's recommendation to remove the last four digits of the social security number from the matching and verification process used for the Online Voter Registration system.

**MOTION:** Approve WEC and DOT staff removing the last four digits of the social security number from the matching and verification process used for Online Voter Registration. Moved by Commissioner Jacobs, seconded by Commissioner Gill. Motion carried. Commissioner Millis was not present to vote.

## **J. 2017 Spring Election Ballot Review**

Administrator Haas made an oral presentation based on a written memorandum provided in the supplemental meeting materials regarding proposed 2017 ballot design formats. Staff posted ballot design formats on the Commission website, and communications were sent to clerks, political parties and the two elections committees of the Legislature, and received a small amount of feedback. Staff recommends approval of the ballot designs for 2017.

Commissioner Jacobs suggested changing language at the bottom of the first page of the ballot to say "Turn Ballot Over" instead of "Ballot Continues on Other Side." Commissioner Jacobs also suggested amending the language in the Write-In box to state "or Write-In." Commissioner Glancey discussed the language in nonpartisan races where voters can vote for more than one candidate. Commissioner Jacobs requested that staff revisit the language in the Write-In box and provide a recommendation as to whether it should be amended in future ballot designs.

**MOTION:** Approve the ballot design presented by staff, except to say Turn Ballot Over instead of Ballot Continues on Other Side, and direct staff to utilize the ballot design for all elections in 2017. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried. Commissioner Millis was not present to vote.

## **K. Commission Staff Work Rules**

Administrator Haas made an oral presentation based on a written memorandum starting on page 53 of the meeting materials regarding work rules for Commission nonpartisan staff. He said the WEC's draft policy recommended for approval by the Commission is consistent with previous work rules for Government Accountability Board staff, with some minor changes.

**MOTION:** Adopt the policy governing partisan activity of Elections Commission staff. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried. Commissioner Millis was not present to vote.

## **L. Report Regarding Legislative Audit Bureau Audit Recommendations**

Mr. Hein made an oral presentation based on a written memorandum starting on page 59 of the meeting materials regarding Legislative Audit Bureau Recommendations. The status report indicates whether the agency has completed action to comply with the LAB's recommendations to the former Government Accountability Board in Report 14-14, whether the agency is in progress to comply, or whether the recommendation requires legislative action.

**MOTION:** Approve the LAB status report and direct staff to submit the report to the Legislature no later than December 31, 2016. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried. Commissioner Millis was not present to vote.

## **M. Operations and Management Policies and Procedures**

Chief Administrative Officer Sharrie Hauge made an oral presentation based on a written report starting on page 63 of the meeting materials regarding the requirement for the Commission to adopt written policies and procedures to govern its internal operations, pursuant to § 5.05 (16) (a), Wis. Stat. She referred Commissioners to the Internal Control Plan included in the meeting materials which describes the written policies and procedures. Staff recommends approval of the plan.

**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 Glancey, seconded by Commissioner Gill. Motion carried. Commissioner Millis was not present to vote.

Commissioner Millis rejoined the meeting by telephone at 1:28 p.m.

## **N. Commission Staff Update**

Mr. Haas and Ms. Hauge briefly reviewed the written report starting on page 89 of the meeting materials, including first quarter expense summaries and the need for Joint Committee on Finance's passive review of expenditures for the presidential recount.

## **G. Post-Election Voting Equipment Audit (continued)**

Chair Thomsen briefed Commissioner Millis regarding the Commission's discussions about whether to continue the post-election voting equipment audit, the schedule for completing the audit and reimbursement to clerks for the audit. Commissioner Millis asked whether the question could be divided.

**MOTION:** That any post-election audit will not be due until January 31, 2017. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

Discussion.

**MOTION:** The Commission exempts municipalities where the county board of canvassers conducted the Presidential recount by hand from having to complete the post-election voting equipment audit. Moved by Commissioner Glancey, seconded by Commissioner Millis.

Roll call vote:	Gill:	Aye	Glancey:	Aye
	King:	No	Jacobs:	Aye
	Millis:	Aye	Thomsen:	No

Motion carried 4-2.

**MOTION:** Direct staff to reimburse municipalities for the actual cost of conducting the post-election voting equipment audit. Moved by Commissioner Jacobs. Motion died for lack of a second.

Commissioner Glancey suggested staff pay municipalities up to \$300 in actual costs (as previously authorized), and the Commission could determine in March whether to pay any additional audit costs submitted by municipalities.

## **O. Per Diem Authorization**

**MOTION:** Authorize payment of one day per diem for the December 2016 Commission meeting. Moved by Commissioner King, seconded by Commissioner Glancey. Motion carried unanimously.

## **Q. 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), 19.851 and 19.85(1)(c) to confer with counsel concerning pending litigation, to consider election complaints, and to consider

employment performance evaluation data of any public employee over which the Commission has jurisdiction. Moved by Commissioner Jacobs, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission recessed at 1:52 p.m. and convened in closed session at 2:02 p.m.

**U. Adjourn**

The Commission adjourned in closed session at 3:13 p.m.

####

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

December 14, 2016 Wisconsin Elections Commission meeting minutes prepared by:

  
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Reid Magney, Public Information Officer

December 22, 2016

December 14, 2016 Wisconsin Elections Commission meeting minutes certified by:

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Beverly Gill, Commission Secretary

January 10, 2017