

# WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

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

INTERIM ADMINISTRATOR MEAGAN WOLFE

## Wisconsin Elections Commission

Wisconsin Elections Commission Offices  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
10:00 a.m. December 3, 2018

### Open Session Minutes

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

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney, Nathan Judnic, Michelle Hawley, Riley Willman and William Wirkus

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

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners were present.

#### **B. Administrator's Report of Appropriate Meeting Notice**

Interim Administrator Meagan Wolfe informed the Commissioners that proper notice was given for the meeting.

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

1. September 11, 2018
2. September 25, 2018

**MOTION:** Approve open session minutes of Wisconsin Elections Commission meetings of September 11 and September 25, 2018. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Motion carried unanimously.

#### **D. Personal Appearances**

**Wendy Kind** appeared on behalf of Disability Rights Wisconsin to discuss the group's partnership with WEC for accessibility audits and to comment on pending legislation.

**Eileen Newcomer** appeared on behalf of the League of Women Voters of Wisconsin to comment on pending legislation.

**Dane County Clerk Scott McDonell** appeared to speak on behalf of the Wisconsin County Clerks Association to discuss post-election audits, ERIC issues, election security and pending legislation.

**Peter Gilbert of St. Francis** appeared to discuss concerns about the voter list, absentee ballot envelopes and pending legislation.

Chair Knudson said the Commission would move to agenda item N out of order.

## **N. Discussion of State's Role in Election Night Reporting**

Chair Knudson introduced the issue of confusion on Election Night regarding Milwaukee's absentee results. Ms. Wolfe made a presentation based on a memorandum starting on page 94 of the December 3 Commission meeting materials regarding the state's role in election night reporting. Wisconsin does not have a statewide election night reporting system for unofficial results.

Neil Albrecht, executive director of the City of Milwaukee Election Commission, and Julietta Henry, director of the Milwaukee County Election Commission, provided information about the City of Milwaukee's central count absentee operation and the results reporting process. They discussed the efforts they make to inform the public and media about outstanding absentee ballot results and answered Commissioners' questions about the process used at the 2018 General Election. They reported that the tabulation of absentee ballots and reporting of results was completed in the same manner as previous elections and that election observers present at the City's central count location had no objections to the process.

Commissioners discussed the staff report and whether Wisconsin should study creating its own system for election night reporting.

**MOTION:** Direct agency staff to research how other state election entities communicate unofficial election night results to the public and their statutory authority to do so. The Commission further directs staff to analyze how similar methods could be implemented in Wisconsin and to report to the Commission on implementation options, costs and technological and administrative impacts. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Discussion. Motion carried unanimously.

## I. Discussion of Pending Legislation AB 1071

Staff Counsel Michael Haas made a presentation based on a memorandum in the Commission's supplemental meeting materials regarding 2017 Assembly Bill 1071. In addition to staff's analysis of the bill, draft testimony was included.

Commissioners and staff discussed the proposed bill which, among other things, would move the Presidential Preference Primary to March and make changes to the time period for in-person absentee voting. They also discussed the draft testimony and what feedback the Commission should give the Legislature on the bill, which was the subject of a public hearing before the Joint Committee on Finance on the day of the WEC meeting.

**MOTION:** With respect to AB 1071, the Commission should inform the Legislature that we object to it as drafted because it does not take into consideration the significant cost of conducting an additional election and not enough is known about the costs. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

Discussion.

Commissioner Jensen expressed concern regarding whether the Commission should take policy positions for or against legislation, or should simply point out potential problems with legislation. Commissioners discussed the WEC's role in the legislative process.

Chair Knudson called the question.

Roll call vote: Gill:	No	Glancey:	Aye
Jacobs:	Aye	Jensen:	No
Knudson:	No	Thomsen:	Aye

Motion failed 3-3.

**MOTION:** Direct staff to change the prepared draft testimony on AB 1071 so it is the position of the Commission and not the staff, and send it to the Legislature. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Discussion.

Commissioner Jacobs moved to amend the motion to add two additional paragraphs to the testimony, stating that the WEC has considered the proposed legislation in conjunction with existing statutes and it would be nearly impossible to conduct a separate Presidential Preference Primary with existing Spring elections. Also, the testimony would express concern that the cost of an additional election is significant and no funding has been proposed.

Commissioner Glancey seconded the amendment.

Commissioners discussed the language of Commissioner Jacobs' amendment. Chair Knudson suggested striking the phrase "nearly impossible" and replacing it with "extraordinarily difficult." Commissioner Jacobs suggested the following language: "It would be extremely difficult to accomplish given the existing statutory framework, and we are concerned that the completion of election tasks may not be possible."

Chair Knudson accepted Commissioner Jacobs language as a friendly amendment to his motion, as long as the testimony is presented for information purposes only.

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

Motion carried 6-0.

## **H. Discussion of Pending Legislation AB 1071**

Mr. Haas discussed 2017 Assembly Bill 1070, which would codify two existing administrative rules related to the Voter Photo ID Law. It would also impose significant new procedural requirements when agencies issue guidance documents.

Commissioners and staff discussed the legislation and its potential impact on the agency's ability to issue informal guidance and to complete priority tasks.

**MOTION:** Direct staff to send testimony of the WEC to the Legislature stating opposition to AB 1070 because of significant concerns regarding the impact on the ability of the agency to function and fulfill its statutory directives. Moved by Commissioner Jacobs.

There was no second to the motion.

Chair Knudson called a brief recess. The Commission reconvened at 12:26 p.m.

## **E. Post-Election Audit Update**

Assistant Administrator Richard Rydecki and Elections Specialist William Wirkus made a presentation based on a memorandum starting on page 13 of the December 3 Commission meeting materials regarding post-election audits of the November 6 General Election.

Both the accessible voting equipment and tabulation equipment used and audited for the 2018 General Election recorded and tabulated votes as expected and according to certification standards. The audit results indicated there were no identifiable bugs, errors, or failures of the tabulation voting equipment and discrepancies identified during the audit were the result of human error when conducting the audit. In addition, the results of the audit did not identify any programming errors that impacted how the voting equipment subject to audit counted votes. The

audit results did not identify any reason for the Commission to delay the certification of official results of the 2018 General Election.

Throughout the course of the audit, more than 150,000 ballots from 186 randomly selected reporting units were counted by hand. The municipalities where equipment was audited represented over 40 percent of all of the ballots cast statewide for this election. The 2018 post-election voting equipment audit was the largest sampling of reporting units involved in the audit since this program was implemented in 2006. The expanded audit and random selection process effectively confirmed the accuracy of voting equipment used in Wisconsin at the election. At least seven counties participated in a Voluntary County Canvass Audit, which verified the reported results in the selected reporting units and to the Commission staff's knowledge, have not identified any discrepancies.

**MOTION:** Direct staff to continue to encourage counties to consider conducting a voluntary audit as part of their canvass procedures for the 2019 Spring election cycle and continue to offer reimbursements for up to \$300 per reporting unit for each audit conducted, up to a maximum of two reporting units. Accept the preliminary report of the 2018 Voluntary County Canvass and Post-Election Voting Equipment Audits and direct staff to provide a supplemental report regarding the two audit programs, including comprehensive reimbursement request information, for its March 2019 meeting. Moved by Commissioner Thomson, seconded by Commissioner Jensen.

Motion carried unanimously.

## **L. Certification of Results of the November 6, 2018 General Election**

**MOTION:** That the Wisconsin Elections Commission certify results of the November 6, 2018, General Election. Moved by Commissioner Knudson, seconded by Commissioner Jensen.

Motion carried unanimously.

## **P. Closed Session**

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

**MOTION:** Move to closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with counsel concerning litigation strategy. Moved by Commissioner Knudson, seconded by Commissioner Glancey.

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

Motion carried unanimously. The Commission convened in closed session at 12:50 p.m.

The Commission reconvened in open session at 1:07 p.m.

## **F. ERIC Update and Next Steps**

Ms. Wolfe made a presentation based on a memorandum starting on page 28 of the December 3 Commission meeting materials regarding the Electronic Registration Information Center (ERIC), including the 2018 Eligible but Unregistered mailing, the Supplemental Poll List process that was used for the 2018 General Election, and recommendations for the 2019 Spring Primary and Election. She said staff recommends that the ERIC Supplemental Poll List process no longer be used for the 2019 elections. Instead, staff recommends a fail-safe phone call procedure to be used for the 2019 elections.

Commissioners and staff discussed the recommendations. Commissioner Jacobs expressed a desire to continue use of the supplemental poll list. Commissioners requested a full report at their March 2019 meeting.

**MOTION:** Approve the staff plan described in the memorandum to discontinue use of the ERIC Supplemental List process at the 2019 Spring Primary and Spring Election and establish a phone call process that allows election inspectors to verify why a voter was removed from the poll list and allow the municipal clerk to use their authority to reinstate the voter's registration. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Motion carried, 5-1.

## **G. Election Security Update**

Elections Training Officer Michelle Hawley and Elections Specialist Riley Willman gave a presentation based on a memorandum starting on page 31 of the December 3 Commission meeting materials regarding election security. They discussed implementation of multi-factor authentication, Active Directory Federated Services, centralization of web applications, vulnerability scanning, local election official security training, WisVote system access policy, and efforts to collect information and feedback from key election security partners. The presentation was for information only.

Chair Knudson congratulated the staff on implementation of multi-factor authentication for access to the state's voter registration and election management system.

## **J. Legislative Agenda**

Mr. Haas and Senior Elections Specialist Nathan Judnic made a brief presentation based on a memorandum starting on page 38 of the December 3 Commission meeting materials regarding the Commission's legislative agenda. The memorandum categorizes 73 possible legislative changes into five categories: major policy initiatives, minor policy initiatives, technical changes, administrative rule provisions and chapters not administered by the WEC.

Chair Knudson said he believes the Commission's top legislative priority should be the confirmation of Meagan Wolfe as administrator. Commissioners also discussed statutory changes necessary to require additional post-election audits and the need for clean-up legislation for minor statutory issues. Mr. Haas said staff is working with Representative Bernier's staff on cleanup legislation.

**MOTION:** That the top legislative priority of the Wisconsin Elections Commission for the coming session is the confirmation of Meagan Wolfe as administrator, and to communicate that priority by letter to the Senate. Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Motion carried unanimously.

**MOTION:** The Commission adopts the items listed in the Legislative Agenda memorandum as the Commission's 2019 – 2010 legislative agenda and directs staff to work with the Legislature to draft legislation consistent with this agenda and to continue to update the Commission as to significant policy and administrative issues raised by proposed legislation. The Commission also directs staff to continue working with clerks and legislative authors of the proposed legislation regarding alternate absentee voting procedures to review subsequent drafts and provide feedback regarding administrative and significant policy issues to be considered and addressed. In addition, the Commission specifically requests the Legislature to enact legislation to implement and make permanent the changes required by the federal court consent decree in *United States of America v. State of Wisconsin, et al*, related to temporary overseas electors. Moved by Commissioner Jensen, seconded by Commissioner Gill.

Motion carried unanimously.

## **K. Ballot Designs – Spring 2019**

Ms. Wolfe and Mr. Rydecki made a presentation based on a memorandum starting on page 58 of the December 3 Commission meeting materials regarding ballot designs for Spring 2019. They stated there were no new revisions to the ballot templates provided to county clerks.

**MOTION:** Approve ballot designs presented by staff and direct staff to utilize the ballot designs for the 2019 Spring Primary and Spring Election. Moved by Commissioner Knudson, seconded by Commissioner Jacobs.

Motion carried unanimously.

Commissioners and staff discussed absentee ballot certificate envelopes. Administrator Wolfe reported that staff will be reviewing feedback from voters and clerks as part of the process of revising forms in 2019, including the certificate envelopes.

## **M. Yearly Internal Control Plan**

Chief Administrative Officer Sharrie Hauge made a presentation based on a memorandum starting on page 69 of the December 3 Commission meeting materials regarding written policies and procedures the Commission is required to adopt to govern its internal operations, pursuant to Wis. Stat. s. 5.05 (16) (a). Additionally, management is required to report the policies and procedures to the appropriate standing committees of the Legislature.

**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 Knudson, seconded by Commissioner Thomsen.

Motion carried unanimously.

## **O. Commission Staff Update**

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 98 of the December 2018 Commission meeting materials. She thanked the staff for its efforts in conducting a successful general election in November and discussed the types of issues encountered this election. They included wrong ballots being issued in some places and poll workers conflating photo ID and proof of residence documents. The MyVote Wisconsin website experienced all-time-high usage. County clerks used the original Canvass Reporting System which performed well, and staff will be looking at improving the new canvass reporting module in WisVote for the future.

Ms. Wolfe reported that Julia Billingham has started as a staff accountant, Rob Kehoe is onboard as director of training and technology, Jeff Harrison has joined the staff as an elections specialist, and the team of IT contractors is fully staffed again.

Commissioner Thomsen asked about reporting on the Commission's use of the HAVA election security grant and Chair Knudson asked about plans for the balance of the funds. Ms. Wolfe said now that we have an accountant on staff there will be more detailed reports on spending, and that plans for the balance of the funds will be included in the next plan.

## **H. Adjourn**

**MOTION:** Adjourn. Moved by Commissioner Jensen, seconded by Commissioner Gill. Motion carried unanimously.

The Commission adjourned at 2:22 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Friday, January 11, 2019, at the Wisconsin Elections Commission office in Madison, Wisconsin beginning at 10:00 a.m.

December 3, 2018 Wisconsin Elections Commission meeting minutes prepared by:

  
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Reid Magney, Public Information Officer

February 28, 2019

December 3, 2018 Wisconsin Elections Commission meeting minutes certified by:

  
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Julie Glancey, Commission Secretary

March 11, 2019