



# Wisconsin Elections Commission

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**Wisconsin Elections Commission**  
Special Teleconference Meeting  
201 W. Washington Avenue, Second Floor  
Madison, Wisconsin  
9:00 a.m. February 2, 2023

## Open Session Minutes

**Present:** Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

**Staff present:** Cody Davies, Sharrie Hauge, Regina Hein, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Sara Linski, John Smalley, Riley Vetterkind, Robert Williams, Riley Willman, and Meagan Wolfe, all by teleconference.

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

Commission Chair Millis called the meeting to order at 9:06 a.m. and called the roll. All Commissioners were present.

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

Administrator Meagan Wolfe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

### **C. Public Comment**

#### **Eileen Newcomer**

Eileen Newcomer appeared on behalf of the League of Women Voters of Wisconsin and provided comment on the 2022 General Election Voting Equipment Audit results, the 2022 General Election Accessibility Audit Report, the absentee envelope certificate redesign, and the election observer scope statement. She noted that the League also provided written comment to the Commission including their Spring Election 2021-2022 Spring Elections Post-Election Report.

#### **Barbara Beckert**

Barbara Beckert appeared on behalf of Disability Rights Wisconsin and the Disability Vote Coalition and asked the Commission to take action to protect the rights of disabled voters regarding Judge Peterson's August 2022 order. She also provided comment on the 2022 General Election Accessibility

*Wisconsin Elections Commissioners*

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

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*Administrator*  
Meagan Wolfe

Audit Report and the election observer scope statement. Ms. Beckert noted that she also submitted written comment to the Commission.

Discussion.

### **Jaclyn Sadler**

Chippewa County Clerk Jaclyn Sadler stressed to the Commission the importance of the timeline for the absentee certificate redesign project.

### **Trent Miner**

Wood County Clerk Trent Miner voiced concerns about recent communication between the WEC and Wisconsin county clerks concerning certification of candidates for the Spring Primary ballot, the ballot order drawing, and the constitutional amendment questions on the Spring Election ballot. He noted that he also submitted written comment to the Commission.

Discussion.

### **Kathy Burgert**

Kathy Burgert, Observer Coordinator for the Outagamie County Republican Party, provided comment on the election observer scope statement.

### **Joe Waldman**

Joe Waldman, Campaign Manager for All Voting is Local, provided comment on the absentee envelope certificate redesign and the election observer scope statement.

Discussion.

### **Matthew Rothschild**

Matthew Rothschild, Executive Director of the Wisconsin Democracy Campaign, provided comment on the election observer scope statement and called for Commissioner Spindell's resignation.

### **Mary Jo Thompson**

Mary Jo Thompson was unable to join the meeting and unavailable to provide comment once contacted.

### **Julie Seegers**

Julie Seegers reiterated Kathy Burgert's comments and provided additional comment on the election observer scope statement. She noted that her submitted written comment included comments from seventeen observers sent to her as part of an informal survey she conducted.

## **Sandy Juno**

Sandy Juno appeared on behalf of the Wisconsin Election Integrity Network and provided comment on the 2022 General Election Voting Equipment Audit Report, the absentee envelope certificate redesign, and the election observer scope statement. She noted that she also submitted written comment to the Commission.

Discussion.

## **Paddy Noone**

Paddy Noone appeared as a concerned citizen and provided areas of concern he and his family observed in the last few election cycles, as well as suggestions based on their observations.

## **Kim Pytleski**

Oconto County Clerk Kim Pytleski provided comment on the Commission's possible legislative recommendations, including cleaning up the language of Wis. Stat § 8.37.

Discussion.

## **D. Approval of Previous Meeting Minutes**

**MOTION:** To adopt the open session minutes for the October 28, 2022, November 30, 2022, and January 10, 2023 meetings.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **E. Closed Session**

**MOTION:** To adjourn into closed session pursuant to Wis. Stat. § 19.85(1)(g).

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission convened into closed session at 9:51 a.m.

The Commission reconvened into open session at 11:17 a.m.

## **F. 2022 General Election Voting Equipment Audit Report**

Administrator Wolfe presented background information and results of the 2022 Post-Election Voting Equipment Audit. Elections Specialists Robert Williams and Cody Davies then provided details of the audit's findings.

Discussion.

**MOTION:** The Commission accept this as the final report of the 2022 Post-Election Voting Equipment Audit. The Commission determines the effective error rate of the 2022 General Election Post-Election audit as 0.0%, and directs staff to provide additional training to local election officials to mitigate the future possibility of the equipment/human error/s identified in Table 5 of the 2022 Post-Election Voting Equipment Audit.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **G. 2022 General Election Accessibility Audit Report**

Elections Supervisor Riley Willman presented a summary of the 2022 Accessibility Review Program.

Discussion.

**MOTION:** Ask staff to look at suggestions on how people with disabilities can be assured of privacy when using Dominion voting equipment, ask staff to list the fifty best polling sites with the least noncompliant issues, and ask staff to develop a disability toolkit with appropriate signage and election notices to be made available to all municipalities.

Moved by Commissioner Spindell. Seconded by Chair Millis.

Discussion.

**MOTION:** To divide the question.

Moved by Commissioner Jacobs.

Discussion.

**FRIENDLY AMENDMENT:** Staff will return to the Commission with available and/or recommended resources to be made available to clerks for disability access to voting.

Proposed by Commissioner Jacobs. Accepted by Commissioner Spindell.

Discussion.

Commissioner Jacobs withdrew her motion to divide Commissioner Spindell's motion.

**AMENDED MOTION:** Ask staff to look at suggestions on how people with disabilities can be assured of privacy when using Dominion voting equipment, ask staff to list the fifty best polling sites with the least noncompliant issues, and ask staff to develop a disability toolkit with appropriate signage and election notices to be made available to all municipalities. Staff will return to the Commission with available and/or recommended resources to be made available to clerks for disability access to voting.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## H. Election Day Registration Post Card Reporting Guidance

Staff Attorney Brandon Hunzicker presented the memo concerning updating guidance for municipal clerks related to the Election Day registration period.

Discussion.

**MOTION:** Adopt the revised Election Day Registration Post Card Reporting Guidance to be sent to Wisconsin's clerks before the February 21 Spring Primary, with the following language amending the last sentence of the fifth paragraph of the redlined guidance on page 60-61 of the Commission's meeting materials:

After you investigate an undeliverable postcard, unless you believe beyond a reasonable doubt that the individual does not qualify as an elector or is not properly registered, the WEC recommends that you not refer such cases to the district attorney.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission took a break at 12:48 p.m.

The Commission returned at 1:16 p.m.

## I. Subgrants Update

1. **.gov Program**
2. **Election Security to Munis**
3. **New WEM Grant**

Deputy Administrator Robert Kehoe provided updates on the .gov program and the 2022 Election Security Subgrant to Municipalities. He also presented background information on the new Wisconsin Emergency Management grant offered to the WEC.

**MOTION:** The Commission directs staff to accept the Wisconsin Emergency Management Homeland Security Grant Program Award in the amount of \$100,000 and to apply the funds towards cybersecurity expenses as specified in the grant terms.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye	
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **J. Absentee Envelope Certificate Redesign (present timeline for implementation)**

Elections Specialist Cody Davies presented background information and a timeline for implementation for the absentee envelope certificate redesign.

Discussion.

**MOTION:** Direct staff to develop a timeline that would allow to present final versions of the certificate and mailing envelope to the Commission no later than the September 20, 2023 Commission meeting. Staff will circulate to the Commission a proposed revised timeline in the next 30 days.

Moved by Chair Millis. Seconded by Commissioner Thomsen.

Discussion.

Roll call vote: Bostelmann:	Aye	Glancey:	Aye	
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **K. Consideration for Approval of Scope Statement 089-22 Concerning the Conduct, Regulation, and Accommodation of Election Observers**

### **1. Consideration of Scope Statement**

Attorney Hunzicker summarized the progress of the election observers scope statement and reviewed forthcoming actions the Commission would need to make to move it along in the process.

Discussion.

**MOTION:** Pursuant to Wis. Stat. s. 227.135(2), the Wisconsin Elections Commission today, February 2, 2023, approves Scope Statement SS 089-22, concerning the Conduct, Regulation, and

Accommodation of Election Observers. In drafting the language of the rule, staff are directed to follow the guidance of the Commission as found in the minutes of this February 2, 2023, open session meeting.

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

## **2. Rule Drafting Discussion and Consideration of Forming an Advisory Committee and Using Informal Consultations under Wis. Stat. § 227.13**

Attorney Hunzicker initiated discussion on options to form an advisory committee or use the informal consultation process as allowed by Wis. Stat § 227.13.

Discussion.

**MOTION:** Form an advisory committee chaired by Wisconsin Elections Commission staff.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

Attorney Hunzicker stated that the next step was to determine who would be on the advisory committee.

Discussion.

**MOTION:** Direct staff to contact the following organizations to ask them to nominate individuals to be a member of the advisory committee, and send the list of members to the Joint Committee for the Review of Administrative Rules:

- Each political party, who will be asked to nominate four people. One must be a current municipal clerk, one must be an individual who is a current poll worker, and one must be an election observer.
- The Wisconsin Municipal Clerks Association, who will be asked to nominate up to three clerks.
- Disability Rights Wisconsin, who will be asked to nominate one individual.
- Forward Latino, who will be asked to nominate one individual.
- Souls to the Polls, who will be asked to nominate one individual.
- Common Cause, who will be asked to nominate one individual.

Moved by Chair Millis. Seconded by Commissioner Thomsen.

Discussion.

Commissioner Bostelmann requested that League of Women Voters of Wisconsin be added to the list. Chair Millis agreed and clarified that the poll worker nominated by the parties must have served in that capacity within the past two years.

Commissioner Jacobs clarified that the fourth individual to be nominated by the Republican and Democratic Parties can be anyone of the parties' choosing.

**FRIENDLY AMENDMENT:** Add the following organizations:

- The Wisconsin Election Integrity Network, who will be asked to nominate one individual.
- True the Vote, who will be asked to nominate one individual.

Proposed by Commissioner Spindell. Agreed to by Chair Millis and Commissioner Thomsen.

Chair Millis clarified that the election observers nominated by the political parties also must have served in that capacity within the past two years.

Commissioner Jacobs clarified that the nominated individuals must be Wisconsin residents.

Discussion.

**FRIENDLY AMENDMENT:** Invite the Libertarian and Constitution Parties to nominate one individual each.

Proposed by Commissioner Glancey. Agreed to by Chair Millis and Commissioner Thomsen.

Attorney Hunzicker asked whether the Commission wanted to approve the final list of nominated individuals at a Commission meeting, ideally prior to April. Commissioner Thomsen and Chair Millis indicated that was not necessary and directed staff to move ahead with forming the committee once they had the final list.

Commissioner Thomsen clarified that Forward Latino and Souls to the Polls had already nominated individuals: Yolanda Santos Adams and Anita Johnson, respectively.

Commissioner Glancey and Chair Millis clarified that the Wisconsin Municipal Clerks Association is encouraged to nominate clerks of three different-sized municipalities.

**AMENDED MOTION:** Direct staff to contact the following organizations to ask them to nominate individuals to be a member of the advisory committee, and send the list of members to the Joint Committee for the Review of Administrative Rules:

- The Republican and Democratic Parties of Wisconsin, who will be asked to nominate four people. One must be a current municipal clerk, one must be an individual who has worked as a poll worker



in the past two years, and one must be an individual that has worked as an election observer in the past two years.

- The Libertarian Party, who will be asked to nominate one individual.
- The Constitution Party, who will be asked to nominate one individual.
- The Wisconsin Municipal Clerks Association, who will be asked to nominate up to three clerks, preferably representing municipalities of various sizes.
- Disability Rights Wisconsin, who will be asked to nominate one individual.
- Forward Latino, who will be asked to nominate one individual.
- Souls to the Polls, who will be asked to nominate one individual.
- Common Cause, who will be asked to nominate one individual.
- League of Women Voters of Wisconsin who will be asked to nominate one individual.
- The Wisconsin Election Integrity Network, who will be asked to nominate one individual.
- True the Vote, who will be asked to nominate one individual.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Millis:        Aye    Thomsen:    Aye

Motion carried 6-0.

**MOTION:** Adopt numbers 2-4 on page 72 of the materials and have the matter brought back on the agenda for the April 28, 2023 Commission meeting:

2. Based on the Scope Statement, public comments, and existing Commission guidance on election observers, staff should develop an agenda for discussion at the first meeting of the advisory committee, with the ability of the committee to suggest additional items for discussion during the meeting.
3. Hold the first meeting and record minutes of the discussion.
4. Staff send the minutes of the meeting to each Commissioner.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

Roll call vote: Bostelmann: Aye    Glancey:    Aye  
                  Jacobs:        Aye    Spindell:    Aye  
                  Millis:        Aye    Thomsen:    Aye

Motion carried 6-0.

## **L. Discussion of Possible Legislative Recommendations**

Administrator Wolfe introduced the agenda item and asked for Commission input in creating the Wisconsin Elections Commission's legislative agenda.

Discussion.

The Commission determined they would provide their suggestions for legislative agenda items to staff, who would then present them at a future meeting for a longer discussion. Chair Millis stated he did not think a motion was necessary, but that he would put it on the agenda for the April 28, 2023 Commission meeting.

Administrator Wolfe asked if the Commission wanted staff to solicit input from clerks. Chair Millis answered yes.

## **M. Staff Update**

Administrator Wolfe presented an update on general activities of election administration staff, WisVote staff, and reconciliation and statistical reporting.

Discussion.

Administrator Wolfe presented an update on the ERIC Movers mailing.

Discussion.

Administrator Wolfe presented an update on the Badger Book program.

Discussion.

Administrator Wolfe presented an update on Badger Voters.

Discussion.

Administrator Wolfe presented an update on voting equipment, the Elections Help Desk and customer service center, communications, and financial services activity.

Discussion.

Administrator Wolfe presented an update on procurement and meetings and presentations.

## **N. Discussion and Consideration of Changes to the Delegation of Authority**

Chair Millis stated that he had put this item on the agenda but no longer believed that the current meeting was a good time to discuss it.

## **O. Adjourn**

**MOTION:** To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission adjourned at 3:12 p.m.

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February 2, 2023, Wisconsin Election Commission meeting minutes prepared by:



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Anna Langdon, Help Desk Staff

February 3, 2023

February 2, 2023, Wisconsin Election Commission meeting minutes certified by:



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Julie Glancey, Commission Secretary

April 28, 2023