



# Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

**Wisconsin Elections Commission**  
Special Teleconference Meeting  
201 W. Washington Avenue, Second Floor  
Madison, Wisconsin  
10:00 a.m. January 2, 2025

Open Session Minutes

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

Staff present: Ahna Barreau, Joel DeSpain, Sharrie Hauge, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

**A. Call to Order**

Commission Chair Jacobs 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**

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

**C. Discussion and Possible Action on Authorization of Wis. Stat. § 5.06(4) Investigation of City of Madison Clerk regarding 193 Uncounted Absentee Ballots for November 5, 2024, General Election**

Chair Jacobs explained why she asked that the meeting be scheduled and summarized the materials before the Commission, as well as her own suggestions.

Staff Attorney Angela Sharpe presented a timeline of events. She explained the statutory basis and intention behind the Commission possibly voting to open an investigation. Attorney Sharpe also noted that WEC staff verified that the uncounted ballots did not impact any race.

Discussion.

**MOTION:** The Wisconsin Elections Commission ("the Commission") authorizes an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether City of Madison Clerk Maribeth Witzel-Behl has failed to comply with the law or abused her discretion regarding the 193 uncounted absentee ballots

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

from Wards 56, 65, and 68 from the November 5, 2024, General Election. Staff are directed to conduct the investigation pursuant to the January 2, 2025, memo, the bipartisan discovery requests prepared by Chair Jacobs and Commissioner Millis, and any parameters or directives that achieved consensus during the Commission discussion. Staff are directed to immediately transmit the discovery requests to Clerk Witzel-Behl, as soon as they are finalized, and to make those requests immediately available to the public. Staff are directed to summarize the findings of the investigation for the Commission at an upcoming meeting so that the Commission can provide further direction.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

**FRIENDLY AMENDMENT:** That the WEC authorize an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether or not the City of Milwaukee Election Commission Executive Director Paulina Gutierrez and the Deputy Director Bonnie Chang have failed to apply the law and abused their discretion regarding the problems resulting in the central count and vote not being received to the public until approximately 4:25 a.m. on November 6.

Proposed by Commissioner Spindell.

Commissioner Millis seconded the friendly amendment.

Discussion.

Commissioner Bostelmann rejected the friendly amendment.

Chair Jacobs noted that friendly amendments are not motions that can be seconded, and as second to the original motion Commissioner Bostelmann had the authority to reject the proposed friendly amendment. Chair Jacobs suggested that Commissioner Spindell make a new motion to amend the original motion to include his proposed language.

Discussion.

**AMENDMENT:** The Wisconsin Elections Commission authorizes an investigation pursuant to Wis. Stat. § 5.06(4) to determine whether or not the City of Milwaukee Election Commission Executive Director Paulina Gutierrez and the Deputy Director Bonnie Chang have failed to apply the law and abused their discretion regarding the identified problems pursuing the central count and vote not being released to the public until approximately 4:25 a.m. on November 6.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

Discussion.

Chair Jacobs ruled that the motion was out of order because the meeting was not noticed for consideration of an investigation unrelated to the City of Madison and the uncounted ballots.

Commissioner Spindell asked Chair Jacobs if she would place the question of opening an investigation into the City of Milwaukee over its central count procedures on a future agenda. Chair Jacobs requested that Commissioner Spindell separately provide to her his reasoning and justification for why such an investigation should be undertaken by the Commission, and what new evidence or allegations would support it.

The Commission voted on the original motion moved by Commissioner Millis and seconded by Commissioner Bostelmann:

|                 |             |     |           |     |
|-----------------|-------------|-----|-----------|-----|
| Roll call vote: | Bostelmann: | Aye | Riepl:    | Aye |
|                 | Jacobs:     | Aye | Spindell: | Aye |
|                 | Millis:     | Aye | Thomsen:  | Aye |

Motion carried 6-0.

**D. Discussion and Approval of Discretionary Rebuttal Filing for Ballot Access Challenges, and the Overall Challenge Deadlines, for the Spring Election Candidates**

Chief Legal Counsel Jim Witecha presented background information on the agenda item.

Commissioner Millis suggested clarifying that any rebuttal would be limited to any factual or legal arguments in the challenger's filing and the response, rather than include new information or items not raised by the challenger. Chair Jacobs indicated support for this clarification.

Discussion.

**MOTION:** Any filing submitted in rebuttal to a response for the January 14, 2025, ballot access meeting shall be provided to the Commission no later than Tuesday, January 14, 2025, at 9:00 a.m. Staff are directed to immediately forward any submitted documents to the Commissioners. If someone offers to provide factual testimony with a limit of three minutes during the January 14 meeting, Chair Jacobs will swear that person in under oath. Parties filing a rebuttal shall explain to the Commission the steps they took to serve a copy of the rebuttal on the candidate. Rebuttals are limited to any factual or legal arguments in the challenge and response. A challenger shall serve the rebuttal on a candidate electronically, and if unable to do so, shall explain to the Commission why they could not do so. Commission staff are instructed to communicate with candidates the instructions listed in this motion.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

**FRIENDLY AMENDMENT:** That staff also, once a complaint is received, make every effort to contact the candidate.

Proposed by Commissioner Spindell.

Commissioner Thomsen rejected the friendly amendment. Attorney Witecha clarified that staff already take the steps described by Commissioner Spindell.

|                 |             |     |           |     |
|-----------------|-------------|-----|-----------|-----|
| Roll call vote: | Bostelmann: | Aye | Riepl:    | Aye |
|                 | Jacobs:     | Aye | Spindell: | No  |
|                 | Millis:     | Aye | Thomsen:  | Aye |

Motion carried 5-1.

**E. Adjourn**

**MOTION:** To adjourn.

|                 |             |     |           |     |
|-----------------|-------------|-----|-----------|-----|
| Roll call vote: | Bostelmann: | Aye | Riepl:    | Aye |
|                 | Jacobs:     | Aye | Spindell: | Aye |
|                 | Millis:     | Aye | Thomsen:  | Aye |

Motion carried 6-0.

The Commission adjourned at 10:50 a.m.

####

January 2, 2025, Wisconsin Election Commission meeting minutes prepared by:

---

Anna Langdon, Help Desk Staff

Meeting TBD

January 2, 2025, Wisconsin Election Commission meeting minutes certified by:

---

Marge Bostelmann, Commission Secretary

Meeting TBD