



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
12:00 p.m. January 24, 2024

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

A. Call to Order

Commission Chair Millis called the meeting to order at 12:04 p.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. Approval of Previous Meeting Minutes

a. December 19, 2023

b. January 9, 2024

MOTION: To approve the December 19, 2023, and January 9, 2024, meeting minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

D. Discussion of Meeting Calendar and Possible Scheduling of Future Commission Meetings

Chair Millis asked the Commission to consider holding the February 8, 2024, meeting remotely to solve scheduling issues.

Discussion.

MOTION: That the February 8, 2024, meeting be conducted by Zoom.

Moved by Commissioner Jacobs. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

E. Discussion, Review, and Possible Action Pertaining to the Following Commission Manuals for County/Municipal Clerks

- a. Election Administration**
- b. Election Day**
- c. Recount Procedures**

Staff Attorney Angela Sharpe explained the various components of the Commission’s materials. She noted that proposed changes to the Election Administration and Election Day manuals would be presented and discussed by topic rather than by manual.

Preliminary Topic: Additional 7.08(3)(c) Manual Maintenance

Discussion.

Attorney Sharpe clarified that this change would also apply to the Election Day manual.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to implement changes from Appendices 1A and 2A in the pink “Additional 7.08(3)(c) Manual Maintenance” category into the Election Administration and Election Day manuals. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- The second sentence on page 105 of the Election Administration manual will read, “If a container such as a box is used to transport absentee ballots to the polling place, then that container must have the EL-125 attached and be properly sealed.” This change will also be applied to the third sentence of the second paragraph on page 87 of the Election Day manual.
- Item 12 on page 273 of the Commission’s materials is flagged for later discussion.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Carried 6-0.

Question #2: Caselaw Updates

Discussion.

Attorney Sharpe recommended excluding the optional litigation note due to recent litigation outcomes.

MOTION: On page 86 of the Election Administration manual, the following language will be added: “Clerks are not permitted to require identification from a person returning a ballot on behalf of a disabled voter.”

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion failed 3-3.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals, not including the Option sections. The Commission also directs staff to implement changes from Appendices 1A and 2A in the grey “Caselaw Update” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Take, “the Commission believes that,” out of the first sentence of page 86 of the Election Administration manual.
- On page 85 of the Election Administration manual, the first paragraph under the header, “Caselaw Update: Return of Voted Absentee Ballots” will read, “Subject to two exceptions, only the voter may lawfully return his or her completed absentee ballot, either by mail or in person to the office of the municipal clerk.” The next two paragraphs will be labelled, “Exceptions.”

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #7: Partisan Election Inspector List Submission

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff

to implement changes from Appendices 1A and 2A in the aqua “Partisan Election Inspector List Submission” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Remove, “in order to comply with the statutory deadline” from the first sentence of the redlines on page 117 of the Election Administration manual.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Question #4: EL 122-SP Name of Facility Field

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the red “EL 122-SP Name of Facility” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #3: Witness Printed Name Field

Attorney Sharpe recommended excluding the optional litigation note due to recent litigation outcomes.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* manual, including the Disclaimer section. The Commission also directs staff to implement changes from Appendices 1A and 2A in the blue “Witness Name Printed Field” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- The first sentence of (b) on page 84 of the Election Administration manual will read, “The witness must include their printed name.” The historical context comprising the following sentence will be removed.
- The disclaimer option will be moved up to become one paragraph with (b), rather than its own sub-paragraph. The “Disclaimer” header will be removed.

- The new second sentence of (b) on page 84 of the Election Administration manual will read, “If an absentee certificate is missing the witness’s printed name, the clerk should decide how to proceed.”
- The new fourth sentence of (b) on page 84 will read, “A ballot may also be set aside for rejection under § 6.88(3)(b) if the “certification is insufficient.”
- The last sentence of (b) on page 84 will read, “A clerk should determine whether a missing witness printed name renders the certification “insufficient” when determining if they should take action under § 6.88(3)(b).”

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

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

Motion carried 6-0.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Day* manual. The Commission also directs staff to implement changes from Appendices 1A and 2A in the blue “Witness Name Printed Field” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Question #1: Ballot Spoliation

Discussion.

The Commission took a break at 2:14 p.m. and returned at 2:25 p.m.

Discussion.

The Commission took a break at 2:59 p.m. and returned at 3:14 p.m.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the section “Spoiling and Replacement Ballots” in the *Election Administration* and *Election Day* manuals, including the Option sections. The Commission also directs staff to implement changes from Appendices 1A and 2A in the orange “Ballot Spoliation” category. The Commission further authorizes

staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- In the first paragraph of page 94 of the Election Administration manual, change “alternate absentee ballot site” to “alternate ballot site.” The citation will be changed to § 6.87(6).
- On page 93 of the Election Administration manual, make the proposed litigation note a footnote, which will read, “As of the date of the manual, the Kormanik matter is still open. To the extent necessary, the manual will be further updated.”
- In the last paragraph starting on page 87 of the Election Administration manual, add to the end: “A voter who has been issued an absentee ballot that has become spoiled or damaged may choose not to return the ballot and instead vote in person on Election Day.”
- To the end of Option 1 on page 93 of the Election Administration manual, add, “A reasonable interpretation of § 6.88(1) and Kormanik is that a ballot is returned when it is in possession of the clerk.”
- On page 92 of the Election Administration manual, after the phrase, “... who is returning it,” in the second sentence of the second paragraph, add, “or that the first ballot was issued to a person with disabilities and on whose behalf the ballot is being returned.”
- On page 58 of the Election Day manual, remove, “It is the opinion of the Commission that,” from (d).

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Question #5: Incomplete Certificate Envelopes

Discussion.

Attorney Sharpe reviewed changes to the litigation note from the Wisconsin Department of Justice:

- Changing “Wisconsin circuit courts” to “Wisconsin circuit court cases” in the first sentence
- Changing “appeal schedule” to “possible appeals” in the second sentence.
- Changing “final orders” to “outcomes” in the last sentence.

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the green “Incomplete Certificate Envelopes” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Change “envelop” to “envelope” at the top of page 90 of the Election Administration manual.
- Apply the changes to the litigation note suggested by the Wisconsin Department of Justice (see above) on pages 88 and 89 of the Election Administration manual.
- Delete the sentence in the litigation note starting with, “Accordingly.”

- Staff will reformat Option 3 into a more readable format, to be reviewed by Chair Millis and Commissioner Jacobs.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

Question #6: Clerk-Monitored Drop Boxes

Discussion.

MOTION: The Wisconsin Elections Commission (“the Commission”) directs staff to include the above manual text in Option 3 in the *Election Administration* and *Election Day* manuals. The Commission also directs staff to implement changes from Appendices 1A and 2A in the yellow “Clerk-Monitored Drop Boxes” category. The Commission further authorizes staff to make formatting, numbering, and other scrivener’s edits to the manuals consistent with effectuating these changes.

- Remove “and exclusively used by” from the language of Option 3 on page 86 of the Election Administration manual.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

MOTION: Approve with all changes discussed today, the new versions of the Election Administration and Election Day manuals with a revision date of January 2024.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission tabled discussion of the Recount manual for the February 8, 2024, Commission meeting.

F. Adjourn

MOTION: To adjourn.

Moved by Commissioner Jacobs. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

The Commission adjourned at 4:28 p.m.

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January 24, 2024, Wisconsin Election Commission meeting minutes prepared by:



Anna Langdon, Help Desk Staff

February 8, 2024

January 24, 2024, Wisconsin Election Commission meeting minutes certified by:



Carrie Riepl, Commission Secretary

February 8, 2024