



# Wisconsin Elections Commission

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**Wisconsin Elections Commission**  
Special Teleconference Meeting  
201 W. Washington Avenue, Second Floor  
Madison, Wisconsin  
8:00 a.m. July 11, 2024

Open Session Minutes

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

Staff present: Meagan Wolfe, Robert Kehoe, Matthew Kabbash, Ahna Barreau, Angela O'Brien Sharpe, Brandon Hunzicker, Riley Vetterkind, Riley Willman, and Jacob Walters, all by teleconference

## A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 8:00 a.m. and called the roll. All Commissioners were present, save for Commissioner Thomsen who indicated to Chair Jacobs and Administrator Wolfe that he was slightly delayed.

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

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

## C. Closed Session

Chair Jacobs stated she would entertain a motion to move to closed session pursuant to Wis. Stat. § 19.85(1)(g).

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

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 5-0.

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

The Commission went into closed session at 8:04 a.m.

**D. Discussion and Possible Action Related to the Wisconsin Supreme Court Ruling in *Priorities USA v. Wisconsin Elections Commission*.**

The Commission reconvened in open session at 8:54 a.m.

Commissioner Thomsen was present after having joined during closed session.

Staff Attorney Angela O'Brien Sharpe appeared and presented to the Commission a draft memorandum and a Frequently Asked Questions document containing potential guidance to clerks concerning the recent Wisconsin Supreme Court decision in *Priorities USA v. Wisconsin Elections Commission*, which held that unstaffed, secure drop boxes are a legal method of absentee ballot return under state law.

Discussion.

**MOTION:** To delete question number 13 from the staff's draft.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Discussion.

**MOTION:** That the answer to question eight, "Do drop boxes need to be secure? What should clerks consider when examining drop box security?" Read as follows:

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be "secure." The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

- **Best Practices: Physical Security of the Drop Box Itself**
  - The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
  - If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.

- The drop box be secured against unlawful access or emptying.
  - The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
  - Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
  - The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
  - The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.
- **Best Practices: Security of the Drop Box Surroundings**
    - The drop box be located in a safe location with adequate parking and safe access for pedestrians.
    - The drop box be located in a well-lit area.
    - The drop box be clearly visible, and the path to the drop box accessible with clear and level ground space in front.
- **Best Practices: Security of Ballot Retrieval/Emptying**
    - The drop box be emptied, often enough to avoid the box from being filled with ballots and a record of the times and dates of retrieval, number of ballots retrieved and the person or persons participating in the retrieval be maintained.
    - Ballots retrieved from a drop box be securely transported to the office of the clerk.
    - The drop box be equipped with unique locks or seals to secure ballots.
    - Absentee ballots that are returned via drop box be secured and transported in the same manner as all other absentee ballots received by clerks. Please refer to page 104 of the Election Administration Manual for guidance on how to secure and transport voted absentee ballots.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

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

Motion carried 6-0.

**MOTION:** That the following be sentence be added to the answer for question 11:

Clerks are encouraged to communicate to voters as to the dates, times, and locations of drop boxes, as well as final retrieval dates and times.

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

**MOTION:** That the word “successfully” be added before “sued” in question five, so that question reads, “Can a clerk be successfully sued if he or she chooses not to utilize drop boxes?”

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.

**MOTION:** To delete in the second sentence of question nine the phrase, “... but need not designate drop box locations.” And to add a sentence to the end of that section which reads, “The municipal clerk has the authority to designate drop box locations.”

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.

**MOTION:** That the last sentence of the answer to question 15 read as follows:

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Discussion.

**MOTION:** That the following additional question and answer be added to the Frequently Asked Questions document:

Question: May a clerk place an insert informing voters of the availability of drop boxes?

Answer: Yes, clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL 6.05(2).

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.

Discussion.

**MOTION:** The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A as amended by the Commission. The Commission directs staff to make edits to the *Election Administration* and *Election Day* manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Discussion.

**E. Discussion and Possible Approval of a Notice for a Preliminary Public Hearing and Comment Period for the Commission’s Emergency Scope Statement Concerning Election Observers, SS 074-24**

Staff Attorney Brandon Hunzicker appeared before the Commission and briefed Commissioners on where matters stand with respect to an emergency scope statement concerning election observers, namely that the next step would be for the Commission to authorize staff to hold a preliminary public hearing.

**MOTION:** That the notice of a preliminary public hearing and comment period and possible quorum is approved for publication in the Administrative Register, and staff is directed to conduct the preliminary hearing on the emergency scope statement concerning the conduct, regulation, and accommodation of election observers. The hearing shall be held via Zoom on July 19, 2024, from 1-3 p.m. with comments accepted until 4:30 p.m. that same day.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

## **F. Adjourn**

**MOTION:** To adjourn.

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

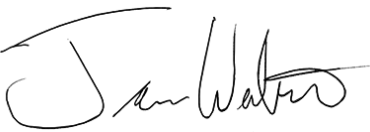
Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

The Commission adjourned at 10:25 a.m.

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July 11, 2024, Wisconsin Election Commission meeting minutes prepared by:



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Jacob Walters, Elections Specialist

July 12, 2024

July 11, 2024, Wisconsin Election Commission meeting minutes certified by:



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Marge Bostelmann, Commission Secretary

August 27, 2024