



Wisconsin Elections Commission

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Wisconsin Elections Commission

Quarterly Meeting

Wisconsin Capitol Building, Room 412E

Madison, Wisconsin

10:00 a.m. June 27, 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 in person.

Staff present: Ahna Barreau, Sharrie Hauge, Brandon Hunzicker, Matthew Kabbash, Robert Kehoe, Anna Langdon, Benji Pierson, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all in person.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:06 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

Chair Jacobs announced that the Commission would hear from in-person speakers first, then move on to speakers appearing via Zoom. She also noted that speakers would get three minutes to speak.

Bianca Shaw

Bianca Shaw, representing All Voting is Local, appeared in person and called for Commissioner Spindell to resign.

Discussion.

Nick Ramos

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Nick Ramos, the executive director of the Wisconsin Democracy Campaign, appeared in person and called for Commissioner Spindell to resign.

Rebecca Alwin

Rebecca Alwin of Middleton appeared in person and expressed dissatisfaction with the partisan nature of the Commission.

Rev. Greg Lewis

Rev. Greg Lewis, Executive Director of Souls to the Polls, appeared in person and called on Commissioner Spindell to resign.

Vaun Mayes

Vaun Mayes, representing Community Task Force Milwaukee, appeared in person and called for accountability from individuals in positions of power.

Barbara Beckert

Barbara Beckert appeared via Zoom and expressed support for the emergency rule pertaining to election observers.

Discussion.

Delany Zimmer

Delany Zimmer appeared on behalf of the League of Women Voters Wisconsin via Zoom and encouraged the Commission to provide sample ballots translated into Spanish on the MyVote Wisconsin website.

Discussion.

Lane Ruhland

Lane Ruhland appeared via Zoom and encouraged the Commission to appeal the DRW v. WEC circuit court order.

Vicki Aro-Shackmuth

Vicki Aro-Shackmuth appeared via Zoom and questioned Commissioner Spindell's fitness to serve on the Commission.

Kathryn Bartelli

Kathryn Bartelli of Waukesha County appeared via Zoom and provided comments regarding a temporary injunction in Oldenburg v. WEC.

Debra Morin

Debra Morin appeared via telephone and encouraged the Commission to act with decorum. She expressed concern regarding 17-year-olds' potential to register to vote under current DMV and WEC policies.

Ms. Klinge

Ms. Klinge appeared in person and questioned Commissioner Spindell's fitness to serve on the Commission.

D. Written Comments

Chair Jacobs noted the significant number of written comments submitted to the Commission.

E. Approval of Previous Meeting Minutes

- a. May 14, 2024**
- b. May 16, 2024**
- c. June 10, 2024**

MOTION: Approve the May 14, 2024, May 16, 2024, and June 10, 2024, open session minutes.

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.

F. Discussion and Potential Action Related to the Recall Petition Pertaining to Assembly Representative Robin Vos, and Any Related Recall Policy Considerations and Action.

Staff Attorney Brandon Hunzicker presented the agenda item following the sequence of the corresponding memo.

Discussion.

Matthew Fernholz presented arguments on behalf of Rep. Vos. Five minutes were allowed for each side's initial presentation.

The Commissioners followed up with questions.

Kevin Scott presented arguments on behalf of the Racine Recall Committee.

The Commissioners followed up with questions.

Discussion.

MOTION: After careful examination of all signatures submitted on the petition to recall Representative Vos, and after reviewing the challenge, rebuttal, and reply as described in this memo and within the Appendices, the Commission finds that, the petition contains no more than 6,678 valid signatures from 2022 AD 63 and no more than 3,807 valid signatures from 2024 AD 33. Because the signatures collected on May 27, 2024, and May 28, 2024 were not collected in a manner consistent with law, the Commission finds that the petition is insufficient regarding 2022 AD 63 because fewer than 25 percent of the number of electors who cast a vote for governor at the last election within that territory signed the petition. The Commission finds that the petition is insufficient regarding 2024 AD 33 because fewer than 25 percent of the number of electors who cast a vote for governor at the last election within that territory signed the petition. The Commission accepts the challenges agreed to by staff but does not address the challenges not accepted by the staff except for the challenges to those signatures collected on May 27, 2024, and May 28, 2024.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 4-2.

After returning from closed session, Chair Jacobs alerted the parties to the recall matter to Wis. Stat. § 9.10, which allows the petitioners to file an amended petition within five days of certification, and laid out a likely timeline for the coming deadlines.

G. Closed Session

a. Closed Session Minutes Approval

i. May 14, 2024

ii. May 16, 2024

b. Litigation Update and Consideration of Potential Litigation

c. Advisory Opinion Consideration and Potential Action

d. Wis. Stat. § 5.05 Complaints

e. ERIC Processes and Referrals

MOTION: Move into closed session pursuant to Wis. Stat. § 19.85(1)(g), 19.85(1)(h), and 19.851.

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.

The Commission moved into closed session at 1:06 p.m. and returned to open session at 3:01 p.m.

H. Review and Potential Action Relating to Election Manuals

- a. Election Day Manual**
- b. Election Administration Manual**

This item was not addressed at this meeting.

I. External Use of Agency Materials, Logos, and Branding: Consideration and Possible Action

This item was not addressed at this meeting.

J. Discussion, Review, and Possible Action Pertaining to Administrative Rulemaking
a. Authorization for Emergency Rulemaking concerning Election Observers

Attorney Hunzicker presented the agenda item.

MOTION: The Wisconsin Elections Commission authorizes staff to submit the scope statement for emergency rulemaking concerning election observers to the Department of Administration and Office of Governor Evers for approval. Staff are directed to proceed with all necessary rulemaking processes preceding the next necessary review or approval from the Commission.

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Discussion.

Attorney Hunzicker clarified that though the emergency rule would expedite implementation of the observer rule, the rules would likely not be in place for the August primary election.

b. EL § 6.05 (Uniform Instruction) Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

Staff Attorney Angela Sharpe presented the agenda item.

MOTION: Staff shall update the draft Rule Order and finalize the EIA as directed by the Commission during this meeting, if necessary. Staff shall finalize the draft notice for the hearing and comment period and the draft notice of submission to the rules clearinghouse as directed by the Commission during this meeting, and take all necessary steps to publish those notices in the administrative register and as needed to provide the public with notice of the hearing as directed during this meeting. Staff shall send the notice of hearing to the secretary of administration. Staff shall submit the EIA to the Department of

Administration, the governor, and to the chief clerks of each house of the Legislature. Staff shall submit the Draft Rule Order and EIA and Fiscal Estimate to the Legislative Council's Rules Clearinghouse.

Moved by Commissioner Riepl. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

c. Approval & Security of Electronic Voting Equipment

Attorney Sharpe presented the agenda item.

Discussion.

MOTION: The Wisconsin Elections Commission approves the proposed rulemaking draft for SS 029-22 for permanent rulemaking relating to the approval and security of electronic voting equipment and ballot security. Finally, the Commission directs staff to proceed with all necessary permanent rulemaking steps to submit the scope statement to the Legislature pursuant to § 227.19(2).

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

d. EL Chapter 12 Amendments (Certification And Training Of Municipal Clerks)

Attorney Hunzicker presented the agenda item.

Discussion.

Attorney Hunzicker explained the process to add and change a note to an admin rule, within the context of staff's third recommendation in the memo: "The third option would not fall under rulemaking at all, but would rather create a note directly under EL 12.01(5) clarifying that the generic term "Statewide Voter Registration System" is currently known as "WisVote." Staff recommend this option because it would likely meet the Commission's objectives without making any future name change more difficult. Instead of amending the rule text, staff could simply ask the Legislative Reference Bureau to add a note stating that "Since 2016, the statewide voter registration system has been called "WisVote." Staff do not believe that the statement "and the name may change in the future" would be necessary in a note because the note could easily be updated if the name ever were to change. Staff also do not believe that there would be a benefit to giving the specific name "WisVote" the force of law when the term is already what clerks and the public use to refer to the Statewide Voter Registration System. The

Legislative Council staff provided an example of a similar use of a note in Wis. Admin. Code PSC 160.02(21)(a)4.”

MOTION: Staff shall finalize the rule order and text in Appendix 3 and finalize the report to the legislature in Appendix 4 according to the discussion during today’s meeting. Staff shall then submit the proposed rule to the governor for approval and notify the JCRAR of the submission. If the rule is approved, staff shall submit the rule and all necessary documents to the Legislature, the Rules Clearinghouse, and with a notice of submission to the LRB for publication. Upon completion of the legislative review process under § 227.19, staff shall file the final rule with LRB under § 227.20. Staff shall adopt the third option recommended in this memo pertaining to EL 12.01(5).

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.

e. Authorization for New Emergency/Permanent Rulemaking Judicial Privacy Protections Effectuated by 2023 Wisconsin Act 235

Attorney Sharpe presented the agenda item.

Discussion.

MOTION: The Wisconsin Elections Commission authorizes staff to begin the concurrent emergency and permanent rulemaking processes for rules to effectuate the certification of residency provisions of 2023 Wisconsin Act 235 for judicial officers. Staff shall submit the statements of scope, hereby approved in this motion, to the Department of Administration and Office of Governor Evers for approval. Staff are directed to proceed with all necessary rulemaking processes preceding the next necessary review or approval from the Commission.

Moved by Commissioner Millis. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

f. Draft Rule for EL Chapter 13 on Training of Election Officials

Chief Legal Counsel Jim Witecha presented the agenda item.

MOTION: The Commission hereby approves the draft rule language for Wis. Admin. Code EL Chapter 13 relating to Training of Election Officials. The Commission directs staff to proceed with the necessary permanent rulemaking steps for this rule.

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.

g. Draft Rule for EL Chapter 15 on Polling Place Emergency Planning

Attorney Witecha presented the agenda item.

Discussion.

MOTION: The Commission hereby directs that EL Chapter 15 shall no longer be pursued, and the scope statement will be left to expire. The Commission acknowledges that Wis. Stat. § 5.25(3) now sufficiently encompasses the processes contemplated by the Commission.

The Commission hereby directs that staff shall draft guidance advising municipal clerks how to comply with new legislation concerning polling place closures found in Wis. Stat. § 5.25(3). This will include information on emergency planning provisions. Staff shall bring a draft of the new guidance for the Commission's consideration at the next scheduled meeting for which the agenda can accommodate review.

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.

K. Processing NMVR Forms Received by Commission since September 2023

Attorney Sharpe presented the agenda item.

Discussion.

MOTION: The Wisconsin Elections Commission directs staff to forward NMVR Forms received between September 5, 2023 and November 2, 2023 to the appropriate municipal clerk along with a copy of the form letter in Attachment A. The Commission directs staff to forward NMVR Forms received after November 2, 2023 to the appropriate municipal clerk along with a copy of the form letter in Attachment B. Staff are directed to continue forwarding NMVR Forms to municipal clerks along with a copy of the form letter in Attachment B. Staff and the Chair shall consult as to modifications to Exhibits A and B and shall create a sample communication to the voters for clerks to use.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

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

Motion carried 6-0.

L. Review and Potential Action Relating to Administrative Complaint Forms

This item was not addressed at this meeting.

M. Review and Potential Action on a Wis. Stat. § 5.061 Complaint: Heuer v. UW-Parkside (EL 24-01)

Attorney Witecha presented the agenda item.

MOTION: The Commission hereby adopts the decision and order on motion for summary judgment proposed by Administrative Law Judge Eric Défort. The matter of Ronald Heuer et al. v. University of Wisconsin-Parkside shall be considered closed, with respondent UW-Parkside's motion for summary judgment being granted. Commission staff are directed to take all final measures necessary to convey this decision to each party to the complaint.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

Discussion.

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

Motion carried 6-0.

N. 2025-2027 Biennial Budget Update/Request

This item was not addressed at this meeting.

O. Accessible Voting Equipment Subgrant Renewal

Elections Supervisor Riley Willman presented the agenda item.

MOTION: The Commission directs staff to extend availability of the Accessible Voting Equipment Subgrant through June 30, 2025, or until such time as all allocated funds are expended, whichever comes first.

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.

P. Commission Staff Updates

This item was not addressed at this meeting.

Q. Discussion, Review, and Possible Action Pertaining to Temporary Injunction Issued June 25, 2024, in the Disability Rights Wisconsin et al. v. Wisconsin Elections Commission et al. matter.

Attorney Witecha presented the agenda item.

Discussion.

MOTION: Staff is directed to work with the Department of Justice regarding next best steps to implement the temporary injunction and to return to the Commission with suggested next steps for the Commission's consideration.

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.

R. Discussion of Scheduling and Content for Upcoming Commission Meetings

Chair Jacobs noted that the Commission would have to meet some time before the August 27, 2024, Commission meeting to address matters not considered at the current meeting. She directed the Commissioners to work with Administrator Wolfe to schedule two 2-hour meetings before August 27.

Chair Jacobs noted the previous motion pertaining to the Badger Book item included a deadline of June 30, but would have to be delayed again.

Discussion.

MOTION: Rescind the June 30 deadline and allow the Badger Book report to come before the Commission no later than January 30 of 2025.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

Chair Jacobs noted that the Attorney General’s opinion regarding the constitutional amendments must be discussed at a future meeting and suggested that the Commission provide guidance to staff regarding what they should prepare for the discussion.

Discussion.

MOTION: Rescind the previous directive and direct staff to come back with guidance to clerks regarding the Attorney General’s opinion on the constitutional amendment.

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.

S. Adjourn

MOTION: To adjourn.

Moved by Commissioner Thomsen. 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 4:42 p.m.

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June 27, 2024, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

August 27, 2024

June 27, 2024, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

August 27, 2024

DRAFT