



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

First Quarterly Meeting
Wisconsin Capitol Building, Room 412E
Madison, Wisconsin
10:00 a.m. March 7, 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 in person.

Staff present: Ahna Barreau, Cody Davies, Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Willman, Jim Witecha, and Meagan Wolfe, all in person.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:01 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

Adam Follmer

Adam Follmer appeared via Zoom and encouraged the Commission to change the post-election voting equipment audit process.

Discussion.

Eileen Newcomer

Eileen Newcomer appeared in person on behalf of the League of Women Voters Wisconsin and encouraged the Commission to examine its training requirements and canvassing procedures in light of its investigation regarding 193 uncounted absentee ballots in the City of Madison. She noted she also submitted written comments.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Discussion.

Peter Becher

Peter Becher appeared via Zoom and expressed concerns regarding the post-election voting equipment audit process.

Discussion.

Bianca Shaw

Bianca Shaw appeared via Zoom on behalf of All Voting is Local Wisconsin and expressed support for the emergency rule regarding election observers.

D. Written Comments

Chair Jacobs noted receipt of written comments and stated they were distributed to the Commission.

E. Approval of Previous Meeting Minutes

- a. October 4, 2024**
- b. November 1, 2024**
- c. December 2, 2024**
- d. January 2, 2025**
- e. January 27, 2025**

MOTION: Approve the minutes for October 4, 2024, November 1, 2024, December 2, 2024, January 2, 2025, and January 27, 2025.

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.

F. Discussion and Possible Further Action Relating to Wis. Stat. § 5.06(4) Investigation of City of Madison Clerk regarding 193 Uncounted Absentee Ballots for November 5, 2024, General Election

Staff Attorney Angela Sharpe summarized the findings of the investigation and reviewed possible next steps.

Discussion.

MOTION: Delegate to the Chair and former Chair the authority to conduct or delegate the conduction of depositions of employees of the City of Madison or any person with personal knowledge of this, including the clerk.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

Discussion.

Chair Jacobs confirmed with Attorney Sharpe that the Commission had the power to conduct depositions under Wis. Stat. § 5.06(6).

Discussion.

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

Motion carried 6-0.

MOTION: Direct staff to draft a clerk communication promptly before the April 1 election for the March 12, 2025, Commission meeting to provide guidance to clerks on how to prevent this from happening again.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

Commissioner Millis noted that longer term, after the investigation is finished, the Commission could look into modifying the Election Day Manual consistent with the findings of the investigation.

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

Motion carried 6-0.

During discussion of a later item, Commissioner Thomsen requested that staff investigate whether they can assign voting participation to the 193 affected voters. Chair Jacobs directed staff to put it on a future agenda.

G. Discussion, Review, and Possible Action Pertaining to the Post-Election Voting Equipment Audit for the 2024 Fall General Election

Elections Specialist Cody Davies summarized the findings of the post-election voting equipment audit for the 2024 Fall General Election.

Discussion.

Commissioner Millis recommended to staff when considering the selection criteria for the 2026 General Election, ranking reporting units in the City of Milwaukee by number of votes cast and requiring a set number of selected reporting units to contain more votes cast than the median for the City.

Discussion.

MOTION: That staff find ways to even out the audit process to take into consideration municipalities' populations.

Moved by Commissioner Spindell. Administrator Wolfe clarified that staff would take recommendations into consideration when developing audit procedures for 2026. Commissioner Spindell did not solicit a second for his motion.

Discussion.

MOTION:

1. The Commission accepts this as the final report of the 2024 Post-Election Voting Equipment Audit.
2. The Commission determines the effective equipment error rate of the 2024 Post-Election Voting Equipment Audit as 0.0% and directs staff to develop additional training and audit resources to mitigate the likelihood of human error in future audits.

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.

H. Discussion of Microsoft CRM Migration

This item was taken up after Item O.

Training and Technology Director Ahna Barreau presented the agenda item.

Discussion.

I. Discussion, Review, and Possible Action Pertaining to the Badger Books Program and Policies

Deputy Administrator Robert Kehoe presented staff's first recommendation regarding connectivity.

Discussion.

Deputy Administrator Kehoe presented staff's third recommendation regarding minimum training requirements.

Discussion.

Deputy Administrator Kehoe presented staff's second recommendation regarding vendor hardware, software, and support.

MOTION: Direct staff to create a working group involving staff, representatives of both county and municipal clerks, and other parties that they see fit who are concerned about the availability of private e-poll book vendors. The Commission is not making any decision about the availability of private e-poll book vendors or whether e-poll books should ever be connected to the Internet. The working group will provide more information that the staff can then adjust and present to the Commission at a future date.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

Administrator Wolfe requested that the Commission either specify the “other parties that they see fit,” or remove it from the motion.

AMENDMENT: Direct staff to treat the working group as a governmental body subject to public meetings law. Limit participants to staff and clerks.

Proposed by Commissioner Millis. Accepted by Commissioner Bostelmann.

FRIENDLY AMENDMENT: The clerks will be appointed in equal number by the Republican and Democratic Party.

Proposed by Commissioner Spindell.

Discussion.

Commissioner Millis suggested soliciting appointees from the county and municipal clerks’ associations. Commissioner Bostelmann agreed with this suggestion.

Administrator Wolfe suggested bringing back staff’s plan for what the working group would be at the Commission’s April meeting.

All previous motions were withdrawn.

MOTION: The Commission directs that a work group be established to consider the use of private e-poll books. Staff is directed for the April meeting to provide a proposed membership of that work group to be made up of representatives of county and municipal clerks with the assistance of the organizations who supervise those persons and staff.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

Discussion.

FRIENDLY AMENDMENT: Direct staff to treat the working group as a governmental body subject to public meetings law.

Proposed by Commissioner Millis. Accepted by Commissioner Bostelmann.

AMENDED MOTION: The Commission directs that a work group be established to consider the use of private e-poll books. Staff is directed for the April meeting to provide a proposed membership of that work group to be made up of representatives of county and municipal clerks with the assistance of the

organizations who supervise those persons and staff. Staff is directed to treat the working group as a governmental body subject to public meetings law.

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

Motion carried 5-1.

MOTION: The Commission directs staff to continue to research options for limited connectivity, to include limited testing with Badger Books in not more than three (3) selected municipalities subject to the approval of the Commission after the April 2025 Spring Election. Under no circumstances would connectivity be tested on the date of any election. Staff are to conduct testing in accordance with the purposes and limitations described in this memorandum. The results of testing shall be shared with the Commission when testing is complete.

Moved by Commissioner Spindell. Seconded by Commissioner Millis.

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

Motion carried 6-0.

MOTION: The Commission directs staff to implement the three minimum training requirements described in the Staff Recommendation in section 3 of this memorandum.

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.

The Commission moved to Item R after this item.

J. Discussion, Review, and Possible Action Pertaining to WisVote Record Reconciliation Policies

This item was taken up after Item H.

Technology and Training Director Ahna Barreau presented the agenda item and reviewed staff's recommendations.

Commissioner Millis recommended posting a list of municipalities that require a state override when reconciling an election.

Discussion.

Chair Jacobs suggested asking the legislature to move the deadline by which clerks must complete reconciliation to before the state canvass. Commissioner Riepl expressed doubt regarding the logistics of this proposal.

Discussion.

MOTION: The Commission directs staff to implement the proposals described above and discussed in the meeting in order to formalize agency policy with respect to timely election reconciliation.

Moved by Commissioner Millis. Seconded by Commissioner Thomsen.

Commissioner Millis recommended updating the letterhead.

Chair Jacobs recommended updating the Re: line of the letter to something more urgent such as "OVERDUE ELECTION RECONCILIATION."

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

Motion carried 6-0.

Cody Davies left the meeting.

K. Administrative Rulemaking [Potential Discussion Item]

- a. Discussion, Review, and Possible Action Pertaining to the Election Observer Rule (EL Chapter 4)**
- b. Discussion, Review, and Possible Action Pertaining to Suspended Emergency Rulemaking and the Associated Permanent Rules (Nomination Paper Challenges, DOC Challenges, Uniform Instructions Rule)**

The Commission did not discuss this item.

L. Discussion, Review, and Possible Action Pertaining to the Interpretation and Implementation of Wis. Stat. § 19.36(14), Identities of Election Officials or Election Registration Officials, Including any Updates or Action on the Attorney General Opinion Request

Attorney Sharpe presented the agenda item.

MOTION: The Wisconsin Elections Commission ("the Commission") agrees with the opinions of Assistant Attorney General Clayton P. Kowski with respect to Question 1 of the January 14, 2025, request to Attorney General Josh Kaul. The Commission directs staff not to make any changes to the statewide voter registration list to comply with the Election Official Identity Statute, Wis. Stat. § 19.36(14) because changes are not required by law. The Commission directs staff to prepare a press release for the public ahead of the law's effective date on July 1, 2025, so that election inspectors understand that their voter record information will not be withheld under the new law.

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.

M. Discussion, Review, and Possible Action Pertaining to Agency Records Policy, Retention, and Planning

This item was moved to the March 12, 2025, Commission meeting.

N. Consideration and Resolution of Wis. Stat. § 5.06 Complaints

- a. **EL 24-39 – Charles Hanna et al. v. Claire Woodall et al.**
- b. **EL 24-107 – Beth Kreitzer v. Brad Calder**
- c. **EL 24-120 – Michael Nedvidek v. Michelle Nelson**

This item was moved to the March 12, 2025, Commission meeting.

O. Discussion, Review, and Possible Action Pertaining to Commission compliance with Wis. Stat. § 757.07, including Discussion, Review, and Possible Action Pertaining to the Judicial Privacy Rule (EL Chapter 19)

Attorney Sharpe presented the agenda item.

Discussion.

MOTION: The Wisconsin Elections Commission interprets “judicial officer” as set forth in Wis. Stat. § 757.07(1)(e)3 to include those enumerated officials and does not include federal court of appeals judges, federal district court judges, federal magistrate judges, or federal bankruptcy judges. Commission staff are directed to notify the presiding officer and minority leader of each house of the legislature that the Commission requests that the statute be amended to include those federal officers.

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.

Regarding the draft information sheet, Chair Jacobs recommended clarifying what judicial officers will need to provide to certify their residential address to the Commission. Additionally, she recommended that judicial officers be instructed to put “Certified to reside in district” in the spot for the residential address rather than “Exempt certification of residence.”

Chair Jacobs clarified that judicial officers must list their municipality for voting purposes on their nomination papers and Declaration of Candidacy. She recommended specifying that to judicial officers in the information sheet, as well as direction to list their mailing address as “Certified to reside in district.”

Chair Jacobs recommended attaching a sample nomination paper header to the information sheet containing the correct language for each box.

Discussion.

Attorney Sharpe clarified that though a judicial officer that obtains a certification of residence is exempt from listing their address on their nomination papers, they are not exempt from ballot access challenges regarding their residency.

Chair Jacobs noted a typo in the draft administrative rule: change “formally” to “formerly” in the middle of page 257.

Chair Jacobs recommended stating in the administrative rule that the judicial officer shall complete a form as adopted by the WEC to file for lawful certification of residence. She also recommended requiring applicants to provide an email address to ensure WEC staff can fulfill their obligations under EL 19.04(a).

Commissioner Millis suggested changing the second “shall” to “should” in EL 19.04(a). Chair Jacobs recommended making the deadline at least three days. She reiterated her recommendation that the form include a space for the applicant to list an email address for Commission contact.

Discussion.

Commissioner Thomsen suggested adding language to the acknowledgement of certification of residence citing Wis. Stat. § 5.06 and clarifying that the recipient is not exempt from ballot access challenges regarding their residency. Commissioner Millis recommended citing the part of the rule that states that.

Commissioner Millis suggested clarifying that the certification of residence must be re-filed each time the candidate runs for office.

Discussion.

Attorney Sharpe noted that EL 19.04(e) should refer to “Judicial Candidate” rather than “Judicial Officer.”

Discussion.

Commissioner Millis and Chair Jacobs recommended striking the latter part of EL 19.04(e) starting with “If the judicial officer has indicated the intend to be a candidate...” and add EL 19.04(f): “If an individual has indicated they intend to be a candidate for judicial office, the Commission shall include the language set forth in EL 19.04(e).” Commissioner Millis also suggested putting the “If the judicial officer...” language at the top of EL 19.04(e).

Chair Millis recommended defining “judicial candidate” in EL 19.01 as “a candidate for a judicial office” using the definition of “judicial office” in Wis. Stat. § 8.10(8)(a).

Chair Jacobs expressed concern regarding the usage of “judicial officials.” Attorney Sharpe recommended changing references to “judicial officials” to “judicial candidates” throughout EL 19 and define “judicial candidate” as indicated above. Chair Jacobs agreed with this recommendation.

Chair Jacobs directed staff to bring the draft rule back to the Commission at the March 12, 2025, meeting along with a mockup of a properly filled out exempt nomination paper header and a mockup of the certification of residence form. She reiterated her recommendation that the form include a space for the applicant to list an email address for Commission contact. She recommended the language, “Please provide us with an email address by which the Commission can contact you regarding any matters relating to this document.”

Discussion.

Attorney Sharpe clarified with Chair Jacobs that staff would bring back to the Commission a revised information sheet, a mockup of a properly filled out exempt nomination paper header, a mockup of the certification of residence form, including the directive that they must list an email address to receive contacts regarding the document, and revisions to the rule text.

Chair Jacobs recommended including the ancillary documents when submitting the draft rule to the legislature.

P. Discussion, Review, and Possible Action Pertaining to the Agency Internal Control Plan

This item was moved to the March 12, 2025, Commission meeting.

Q. Staff Updates to the Commission

This item was moved to the March 12, 2025, Commission meeting.

R. Consideration and Resolution of Wis. Stat. 5.06 Complaint, EL 25-07 – Dixie Stechschulte v. Daniel Crandall

Chief Legal Counsel Jim Witecha presented the agenda item.

Discussion.

MOTION: Approve the letter resolving the Dixie Stechschulte v. Daniel Crandall complaint.

Moved by Commissioner Spindell. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

S. Closed Session

- a. Litigation Update and Consideration of Potential Litigation**
- b. Approval of Previous Minutes**
 - i. October 4, 2024**
 - ii. September 11, 2024**
 - iii. December 2, 2024**
 - iv. January 12, 2025**
- c. Advisory Opinion Requests**
- d. Wis. Stat. § 5.05 Complaints**

Chair Jacobs noted the Commission would return to open session after finishing closed session business.

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

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.

The Commission left open session at 12:51 p.m. and returned at 2:13 p.m., taking up Item O next.

T. Adjourn

MOTION: To adjourn.

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 adjourned at 3:57 p.m.

#####

March 7, 2025, Wisconsin Election Commission meeting minutes prepared by:

March 7, 2025, Wisconsin Election Commission meeting minutes certified by:

Marge Bostelmann, Commission Secretary

April 17, 2025

DRAFT