



# Wisconsin Elections Commission

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**Wisconsin Elections Commission**  
Special Teleconference Meeting  
201 W. Washington Avenue, Second Floor  
Madison, Wisconsin  
9:00 a.m. April 28, 2023

## Open Session Minutes

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

**Staff present:** Cody Davies, Joel DeSpain, Sharrie Hauge, Regina Hein, Brandon Hunzicker, Matthew Kabbash, Robert Kehoe, Anna Langdon, Sara Linski, 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 9:06 a.m. and called the roll. All Commissioners were present.

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

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

### **C. Public Comment**

#### **Eileen Newcomer**

Chair Millis noted that Eileen Newcomer also submitted written comments to the Commission.

Eileen Newcomer appeared on behalf of the League of Women Voters of Wisconsin and provided comment on the election observer rule and advisory committee, the 2023 accessibility report with an emphasis on issues regarding the Dominion ImageCast Evolution, and the absentee envelope redesign.

Robert Williams entered the meeting at 9:11 a.m.

*Wisconsin Elections Commissioners*

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

*Administrator*  
Meagan Wolfe

### **Barbara Beckert**

Barbara Beckert appeared on behalf of Disability Rights Wisconsin and the Disability Vote Coalition and shared accessibility and voting rights concerns from the April 2023 election, noting that an ongoing concern was ballot return assistance.

Discussion.

Chair Millis noted that Barbara Beckert also submitted written comments to the Commission.

### **Joe Waldman**

Joe Waldman appeared on behalf of All Voting is Local and provided comment on the absentee envelope redesign.

### **Denise Jess**

Denise Jess appeared on behalf of the Wisconsin Council of the Blind and Visually Impaired and provided comment on accessibility issues concerning the Dominion ImageCast Evolution.

### **John Harry Landwehr**

John Harry Landwehr did not appear in the meeting during the public comment period.

### **Kyle Weber**

Chair Millis noted that Kyle Weber submitted written comments to the Commission.

Kyle Weber appeared on behalf of ES&S and provided comment on voting equipment certification as it pertained to his company's operations.

### **Mary Jo Thompson**

Mary Jo Thompson shared her experiences and subsequent concerns as an observer in the City of West Bend and as a special voting deputy in the Town of West Bend.

### **Kevin Toutant**

Kevin Toutant recounted his negative experience serving as an election observer at Gilmore Middle School in the City of Racine.

Discussion.

Chair Millis noted that the Commission also received written comments from Common Cause WI and Holly Priske from Town of Dekorra, among numerous other emails concerning the timing of voting equipment testing.

**D. Approval of Previous Meeting Minutes**

**MOTION:** To approve the February 2, 2023, February 28, 2023, March 3, 2023, and March 14, 2023 open session Commission meeting minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Jacobs.

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

**E. Discussion on the Commission’s March 8 Advisory Committee Meeting, Election Observer Rulemaking Processes, and Possible Consideration of Election Observer Rule Text**

Staff Counsel Brandon Hunzicker reviewed what steps had been taken to promulgate the rule so far, summarized outcomes and observations from the March 8 Advisory Committee meeting, and presented potential next steps the Commission could take.

Discussion.

Commissioner Spindell noted that he would like the Committee to find more consensus on the points discussed in the meeting, and that a town clerk and a representative of the Milwaukee Elections Commission should be added to the Committee.

Commissioner Jacobs expressed concern that the Committee did not prioritize voter experience when providing input.

Discussion.

**MOTION:** Direct staff to draft outline language of a rule without making decisions as to which of the competing suggestions would be included and having alternative versions for those points, and recirculate this draft among members of the Advisory Committee for their input on the various versions. There will be at least one town clerk representative and a representative from the Milwaukee Elections Commission at the Committee meeting. The importance of considering the ability of the voter to cast their vote will be emphasized to Committee members.

Moved by Chair Millis. Seconded by Commissioner Thomsen.

Commissioner Jacobs noted that it should be clarified to Committee members that the meeting will not be a situation where the Commission will adopt what they decide and that they are there to provide recommendations, however the Commission would value knowing where there is and isn’t consensus. She also asked staff to send the draft to the Commissioners as well as the Committee members, and to make it double spaced. Chair Millis agreed with her points.

Attorney Hunzicker asked whether the Commissioners would like to review the draft in another Commission meeting prior to the Advisory Committee meeting. Commissioners indicated they thought that was unnecessary, and that Chair Millis would work with Attorney Hunzicker to review the draft.

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

Motion carried 6-0.

The Commission took a break at 10:37 a.m.

The Commission returned at 10:46 a.m.

Commissioner Spindell clarified with Chair Millis that a town clerk would be added as a representative to the Committee.

## F. Voting Equipment Certification Schedule

Business Analyst Cody Davies updated the Commission on voting equipment testing and the 2023 voting equipment certification schedule.

Discussion.

**MOTION:** The Commission schedules a special meeting for June 1, 2023, to consider the applications for certification from ES&S and Hart.

Moved by Commissioner Spindell. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

Administrator Wolfe clarified with Chair Millis that they would determine the date of the August meeting to consider applications for certification from Clear Ballot and Dominion at the June meeting.<sup>1</sup>

Commissioner Jacobs clarified that the June 1 meeting would begin at 10 a.m.

## G. Accessibility Report

Elections Supervisor Riley Willman presented a summary of the report, "Barriers Faced by Elderly Voters and Voters with Disabilities," to the Commission, with an emphasis on the Commission's polling place review program.

Robert Williams left the meeting at 11:02 a.m.

Discussion.

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<sup>1</sup> The August meeting was scheduled for August 4, 2023, later in this meeting (see page 7).

**MOTION:** The Chair will send a letter of commendation to those municipalities identified on the table on page 118 of the Commission's materials on having received a score of 0, 1, 2, or 3. The Chair will send a letter indicating the average number of noncompliant findings and their individual score to those municipalities who have twelve or more noncompliant findings as set forth on page 117. The crafting of the letter will be left to the Chair and WEC staff. The Commission approves the attached report titled "Barriers Faced by Elderly Voters and Voters with Disabilities" and directs staff to deliver the report to the Legislature no later than June 30, 2023.

Moved by Commissioner Jacobs. Seconded by Commissioner Glancey.

Discussion.

**FRIENDLY AMENDMENT:** The letter will be copied to the municipality's town board chair, village president, or mayor.

Proposed by Commissioner Glancey. Accepted by Commissioner Jacobs.

Due to concerns expressed by Commissioner Jacobs, Administrator Wolfe suggested that the letter encourage the clerk to share the letter with their governing body to support the appropriate funding needed to make these improvements. Accepted by Commissioner Glancey and Commissioner Jacobs.

Discussion.

Commissioner Bostelmann noted that the letter should say that the WEC will work cooperatively with the municipality to help them in improving aspects of the polling place that are currently noncompliant.

Discussion.

**FRIENDLY AMENDMENT:** The letter will be copied to the municipality's town board chair, village president, or mayor.

Proposed by Commissioner Spindell. Accepted by Commissioner Jacobs.

Discussion.

Chair Millis clarified with Riley Willman that WEC had the data to identify the noncompliant findings in the letter.

Discussion.

**FINAL MOTION:** The Chair will send a letter of commendation to those municipalities identified on the table on page 118 of the Commission's materials on having received a score of 0, 1, 2, or 3. The Chair will send a letter indicating the average number of noncompliant findings and their individual score to those municipalities who have twelve or more noncompliant findings on page 117. The crafting of the letter will be left to the Chair and WEC staff. This letter will also be copied to the municipality's town board chair, village president, or mayor. The Commission approves the attached report titled "Barriers Faced by Elderly Voters and Voters with Disabilities" and directs staff to deliver the report to the Legislature no later than June 30, 2023.

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

Motion carried 6-0.

## **H. Discussion of 4-Year Maintenance Postcard Approval**

Technology Director Sara Linski presented an overview of 4-year maintenance and noted updates to the postcard.

Discussion.

**MOTION:** The Commission approves the design and language of the new four-year maintenance postcard as shown on pages 5 through 8 of this memorandum.

Moved by Commissioner Jacobs. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

**MOTION:** The Commission approves and directs staff to proceed with the timeline and process for the 2023 four-year maintenance postcard mailing as reflected in Table 2.

Moved by Commissioner Jacobs. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

The Commission took a break at 11:58 a.m.

The Commission returned at 12:21 p.m.

Discussion.

## **I. Discussion of Absentee Envelope and Certificate Redesign**

Sara Linski presented background information on the absentee envelope redesign project and noted that the focus of the report was on the statutory compliance of the design.

Discussion.

Deputy Administrator Rob Kehoe reviewed the timeline for the project and noted the Commission needed to consider whether the #12 and #14 envelopes would be utilized in the new design.

Discussion.

Chief Legal Counsel Jim Witecha presented an overview of the relevant statutory and legal requirements.

Sara Linski provided additional explanation of the #12 and #14 envelope recommendation.

Discussion.

**MOTION:** WEC staff should use the outlined timeline to implement a new absentee envelope design to be approved at a special meeting to be scheduled for August 4, 2023. WEC staff should advise clerks and vendors that the #12 and #14 size envelopes will be utilized in the new design to be approved at the August 2023 commission meeting. WEC commissioners approve that the EL-120 and EL-122 are statutorily compliant and will discuss the final proposed design at the August 4, 2023, meeting. WEC commissioners direct the new envelope design be adopted for the February 20, 2024 Spring Primary. Old envelope designs shall not remain in use.

Moved by Commissioner Jacobs. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

## **J. Staff Update**

Administrator Wolfe presented an update on the Elections, Voter, and Data Quality and Reporting teams' activities.

Discussion.

Administrator Wolfe presented an update on the Absentee team's activities.

Discussion.

Administrator Wolfe presented an update on the Addressing and Election Security teams' activities.

Discussion.

Administrator Wolfe presented an update on the Training and Badger Book teams' activities.

Discussion.

Administrator Wolfe presented an update on the Voting Equipment team's activities.

Discussion.

Administrator Wolfe presented an update on agency communications and outreach and financial activity.

Discussion.

## **K. Discussion of Future Meetings and Meeting Format**

Chair Millis noted that the June meeting might be held in person, and that he would work with staff to facilitate hybrid meetings.

Chair Millis, the Commissioners, and Administrator Wolfe expressed gratitude and well wishes to Commissioner Glancey.

## **L. Closed Session**

### **1. Litigation Update and Consideration of Potential Litigation**

### **2. Wis. Stat. 5.05 Complaints**

### **3. ERIC Processes and Referrals**

### **4. Closed Session Minutes Approval**

Chair Millis noted the Commission would not reconvene into open session.

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

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission left open session at 1:55 p.m.

## **M. Adjourn**

The Commission adjourned in closed session at 3:37 p.m.



April 28, 2023 Wisconsin Election Commission meeting minutes prepared by:



Anna Langdon, Help Desk Staff

April 29, 2023

April 28, 2023 Wisconsin Election Commission meeting minutes certified by:



Joseph Czarniczki, Commission Secretary

June 1, 2023