



Wisconsin Elections Commission

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Wisconsin Elections Commission

Special Meeting

201 W. Washington Avenue, Second Floor
Madison, Wisconsin
10:00 a.m. June 1, 2023

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Joseph J. Czarnezki, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, in person in the WEC boardroom.

Staff present: Brandon Hunzicker, Robert Kehoe, Anna Langdon, Sara Linski, Jonathan Nelson, Angela O'Brien, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, in person in the WEC boardroom.

Joel DeSpain, Claudia Santana, and John Smalley, via teleconference.

ES&S present: Mark Maganaro, Kyle Weber, Tim Hallet, Chris Wlaschin, in person in the WEC boardroom.

A. Call to Order

Commission Chair Millis called the meeting to order at 10:05 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. Closed Session

- a. Litigation Update and Consideration of Potential Litigation**
- b. Advisory Opinion Consideration and Potential Action**
- c. Wis. Stat. § 5.05 Complaints**
- d. Closed Session Minutes Approval**

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

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnezki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

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

Motion carried 6-0.

The Commission left open session at 10:06 a.m.

The Commission left closed session at 12:54 p.m. and resumed open session at 12:56 p.m.

D. Approval of Previous Meeting Minutes

MOTION: Approve the April 28, 2023, and May 16, 2023, open session minutes.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

Roll call vote: Bostelmann:	Aye	Czarnezki:	Abstain
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 5-0-1.

E. Consideration and Approval of Wisconsin Elections Commission Secretary

MOTION: To approve Commissioner Czarnezki as Commission Secretary.

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

F. Ballot Access Approvals for Assembly District 24, and Consideration of Associated Challenge

a. Morgan Hess v. Paul Melotik (EL 23-44)

Staff Attorney Brandon Hunzicker appeared and provided the facts of Morgan Hess v. Paul Melotik. He then presented staff's recommendation to sustain 17 challenges, reject the remaining 277 challenges, and recognize 352 valid signatures.

Discussion.

Commissioner Czarnezki noted that the first part of the candidate's name was obscured on page 9 of their nomination papers, and that the ten signatures on that page should be struck.

Discussion.

David Hollander and Jeffrey Mandell appeared on behalf of the challenger. David Hollander presented arguments.

Discussion.

Matthew Thome appeared and presented arguments on behalf of the respondent.

Discussion.

David Hollander answered further questions for the Commission.

MOTION: The Commission sustains 17 challenges within Morgan Hess v. Paul Melotik (EL 23-44) and rejects the remaining 277 challenges in accordance with the staff recommendations contained in this memo and the attached staff worksheet. The Commission finds that Paul Melotik submitted 352 valid signatures on his nomination papers.

Moved by Commissioner Spindell. Seconded by Chair Millis.

Discussion.

AMENDMENT: The Commission finds that Paul Melotik submitted 342 valid signatures on his nomination papers.

Moved by Commissioner Thomsen. Seconded by Commissioner Czarnezki.

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

Motion to amend carried 6-0.

AMENDED MOTION: The Commission sustains 17 challenges within Morgan Hess v. Paul Melotik (EL 23-44) and rejects the remaining 277 challenges in accordance with the staff recommendations contained in this memo and the attached staff worksheet. The Commission finds that Paul Melotik submitted 342 valid signatures on his nomination papers.

Chair Millis clarified that the Commission would still be rejecting 277 challenges rather than 267 challenges because the ten signatures the Commission chose to strike had not been challenged.

Discussion.

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

Motion carried 6-0.

MOTION: The Commission accepts the staff recommendations contained in this memo and approves ballot access for Paul Melotik and Bob Tatterson for the July 18, 2023, Special Election in Assembly District 24

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

MOTION: The Commission denies ballot access for Spencer Zimmerman for the July 18, 2023, Special Election in Assembly District 24 as the candidate did not file all necessary ballot access documents by the filing deadline.

Moved by Commissioner Bostelmann. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

The Commission took a break at 1:54 p.m.

The Commission returned at 2:01 p.m.

G. Election Systems and Software Petition for Approval of Electronic Voting Systems EVS 6.0.6.0 and EVS 6.0.7.0 Processes, and Possible Consideration of Election Equipment Certification

Elections Specialist Robert Williams provided an overview of the voting equipment testing process and presented background information on staff's recommendations for approving the EVS 6.0.6.0 and EVS 6.0.7.0 voting systems.

Commissioner Jacobs sought to clarify a sentence in staff's associated memo (page 28 of the Commission's materials): "However, due to its direct cast feature and the lack of automatic ballot return for voter review on the ExpressVote Tabulator, that specific piece of equipment does not meet this requirement," noting that the last time the Commission approved the ExpressVote tabulator, they specifically required the configuration be changed so the ballot would be physically returned to the voter for review prior to tabulation.

Robert Williams clarified that the Commission denied certification for that reason several years ago, but approved certification in 2021 when the system did include that functionality. He confirmed that that sentence in the memo was incorrect, and that the ExpressVote tabulator requires the voter to return the card for review before it can be inserted for tabulation.

Discussion.

ES&S representatives, Wisconsin State Certification Manager Mark Maganaro, Wisconsin Account Manager Kyle Weber, and Information Security Officer Chris Wlaschin fielded further questions from the Commission.

MOTION: The Wisconsin Elections Commission adopts the staff's recommendations for approval of the ES&S voting system's Application for Approval of EVS 6.0.6.0 in compliance with US EAC certificate ESSEVS6060 including the conditions described above, and the ES&S voting system's Application for Approval of EVS 6.0.7.0 including the conditions described above.

Moved by Commissioner Jacobs. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

H. Absentee Envelope Redesign: June Update

Chair Millis noted that the Commission received written comment from the League of Women Voters, Disability Rights Wisconsin, and clerks on this agenda item.

Technology Director Sara Linski presented an update on the timeline for the absentee envelope redesign project, emphasizing usability testing with voters and working with nonpartisan groups such as the Accessibility Advisory Committee to conduct more structured usability sessions. She noted the influx of clerk comments after the last Commission meeting requesting that the Commission reconsider their decision to restrict clerks from using old absentee ballot envelopes after the new envelopes are adopted.

Deputy Administrator Rob Kehoe presented details on the absentee envelope subgrant.

Discussion.

Deputy Administrator Kehoe presented the current draft of the revised uniform instructions and described notable changes made due to recent court cases.

Discussion.

MOTION: Commission staff are directed to implement the Absentee Certificate Envelope Subgrant, previously approved by the commission, in the manner described in this memorandum

Moved by Commissioner Jacobs. Seconded by Commissioner Czarnezki.

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

Motion carried 6-0.

Deputy Administrator Kehoe stated significant takeaways staff would work on in regard to the uniform instructions, based on the Commission's discussion and in the order they were discussed:

- Clarify ballot return guidance for central count jurisdictions; whether the ballot should be returned to the polling place, central count, or the clerk's office. Ask legal team to analyze what the law allows voters to do
- Look at the overall concept of the uniform instructions document and consider alternative formats to make it less text-heavy, to be brought to the Commission's attention later
- Clarify language in the section on correcting ballot mistakes, consequences if voter does mail a ballot with a mistake

Chair Millis confirmed this was correct.

MOTION: Commission staff are directed to prepare revised Uniform Instructions, consistent with the Commission's guidance today (see above), for review and final approval by the Commission on August 4, 2023.

Moved by Commissioner Thomsen. Seconded by Commissioner Czarnecki.

Discussion.

Administrator Wolfe suggested that the motion be amended to say the instructions will be brought back for an update on August 4, 2023. Agreed to by the Commission; Chair Millis clarified that the return envelope would be brought for approval on August 4, but the instructions would be brought back for an update due to the possibility of a more extensive redesign.

Discussion.

AMENDED MOTION: Commission staff are directed to prepare revised Uniform Instructions, consistent with the Commission's guidance today (see above), for review and update by the Commission on August 4, 2023.

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

Motion carried 6-0.

Administrator Wolfe confirmed that the Commission that they had decided not to take up any changes related to the outer envelope, and that the previous motion from the April 28, 2023, meeting still stood.

I. IT Developer Renewals

Deputy Administrator Kehoe presented the agenda item and the associated recommended motion.

Discussion.

MOTION: Authorize the continuation of biennial IT contracts in FY 24 and 25, at the previously approved allocation of \$900,000 annually for IT contract positions

Moved by Commissioner Jacobs. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

J. Badger Book Update

Deputy Administrator Kehoe presented an update on the Badger Book program for the Commission's awareness, and informed the Commission that staff would likely bring the topic back to the Commission at the end of the summer with recommendations for program adjustments.

Discussion.

K. Adjourn

MOTION: To adjourn.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

The Commission adjourned at 3:35 p.m.

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June 1, 2023 Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

June 2, 2023

June 1, 2023 Wisconsin Election Commission meeting minutes certified by:

Joseph J. Czarnezki, Commission Secretary

September 20, 2023