

6/29/2023

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## Second Advisory Committee Meeting Concerning Election Observers

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### MEETING TRANSCRIPT:

00:00:12 Speaker 1

Right.

00:00:13 Speaker 1

I would like to welcome everyone to the second meeting of the Wisconsin Elections Commissions Advisory Committee.

00:00:19 Speaker 1

On election observers, we're getting started just a little bit later today.

00:00:23 Speaker 1

We had a technical issue with the videos, but I believe that they are working now and that everyone is able to appear.

00:00:32 Speaker 1

Who is online today?

00:00:34 Speaker 1

Uh, moving along to the.

00:00:39 Speaker 1

Meeting agenda. This meeting was noticed under Wisconsin's meeting open meeting notice laws. It was published for the media and it was published on our website along with all the materials for today.

00:00:53 Speaker 1

I'd like to introduce myself.

00:00:55 Speaker 1

I am staff attorney Brandon Hunsicker of the Wisconsin Elections Commission.

00:00:59 Speaker 1

Also online are Caitlin, Matt and Riley from staff.

00:01:04 Speaker 1

They may be on from time to time if we have questions or any other technical things that come up during the meeting.

00:01:12 Speaker 1

This is, as I said, the second meeting of the Wisconsin Elections Commission, which is working to create a final rule on election observers to be in place during the 2024 elections, so there's a long promulgation process. This is the central piece of that process which is drafting the.

00:01:32 Speaker 1

Text of the rule that will appear in the final draft and the purpose of this committee is to assist the Commission in coming up with the text for that rule, for anyone watching who was not here at the first meeting, I'd like to give a short overview of what has happened up until this point with this committee.

00:01:51 Speaker 1

So at the first meeting of the Committee on.

00:01:53 Speaker 1

8th the committee brought to the table many ideas and concerns related to the Wisconsin Statutes 7.41, which is the governing statute on election observers.

00:02:03 Speaker 1

The point of that meeting was to gather all relevant information from the committee members who were composed of clerks, poll workers, election observers, political party representatives and representatives of organizations that do election related work.

00:02:16 Speaker 1

It was a group of election experts providing their opinions for the benefit of the Commissioners, as the Commission works to promulgate an election observer rule.

00:02:25 Speaker 1

After the first meeting, Commission staff presented the detailed minutes of that meeting, along with the staff memo to the Commissioners on April 28th for disk.

00:02:34 Speaker 1

The Commissioners then voted to have staff create a draft rule of the language based on feedback from the committee meeting.

00:02:41 Speaker 1

Also, they voted to add several more members to the committee and to hold a second advisory committee meeting to discuss the text of the draft rule.

00:02:49 Speaker 1

Staff drafted the rule using comments and opinions from the first meeting.

00:02:53 Speaker 1

It was an attempt.

00:02:54 Speaker 1

Put to language each suggestion for the rule and in some cases this did result in contradictory language, which of course only one version or an altered version could appear in the final text of that rule.

00:03:06 Speaker 1

That leads us here today.

00:03:09 Speaker 1

Today, the goal of the meeting is to receive specific feedback on the draft text of the rule.

00:03:14 Speaker 1

We will be going line by line and I will have a copy for line editing open on the screen for.

00:03:18 Speaker 1

Much of.

00:03:18 Speaker 1

This meeting, I will read a line and then allow committee members to raise their hands to provide comments and make suggestions on the rule.

00:03:26 Speaker 1

Comments should relate to the specific language of the draft.

00:03:29 Speaker 1

But everyone is welcome to criticize the wording and suggest any changes that speak to the topic addressed in the draft.

00:03:34 Speaker 1

Line additionally, at the end of the meeting, there will be a time to suggest additions that were not covered in this draft and to provide any other advice to the Commissioners when they considered the draft, which will likely happen in August.

00:03:48 Speaker 1

We will now move on to introducing new members of the advisory committee.

00:03:52 Speaker 1

I will ask new Members to introduce yourselves and what organizations you represent, as well as providing a few words on your overall perspective on election observers and what you hope to see accomplished in the final rule.

00:04:03 Speaker 1

After new participants introduced themselves, I will call on Members who are present at the last meeting so that we all know who is here today.

00:04:10 Speaker 1

I would ask Members who were here last time simply to introduce yourselves and what organizations you are part of, and if you would like to say a few words about what you hope to accomplish at this meeting.

00:04:21 Speaker 1

Also, I hope to have a lunch break of about 1/2 hour roughly at noon, taking a break at a convenient stopping point based on our agenda.

00:04:32 Speaker 1

So for the new members at the last Commission meeting on April 28, the Commission.

00:04:41 Speaker 1

Added two media representatives.

00:04:44 Speaker 1

So from the Wisconsin Broadcasters Association, we have.

00:04:47 Speaker 1

Sean Dwyer, I believe from Wisconsin Newspapers Association.

00:04:51 Speaker 1

Bill Barth from the city of Waukeg Election Commission, Claire Whittle, fog and from the Wisconsin Municipal Clerks Association.

00:05:02 Speaker 1

Katie O'Brien bold.

00:05:03 Speaker 1

So I'd like to start with Sean Dwyer and allow him to introduce himself.

00:05:09 Speaker 1

And to say a little bit about what, you know what perspective he's bringing to this meeting, Sean, are you on this?

00:05:16 Speaker 1

Morning if you could.

00:05:17 Speaker 2

Yes, I am.

00:05:18 Speaker 2

Yep, yes I am can.

00:05:20 Speaker 2

You hear me?

00:05:21 Speaker 1

Yes, I can. Yep.

00:05:23 Speaker 2

Hello Committee members.

00:05:24 Speaker 2

My name is Shawn Dwyer.

00:05:25 Speaker 2

I'm the news director at WXW in lacrosse.

00:05:28 Speaker 2

I've been asked to participate on the Commission by the Wisconsin Broadcasters Association.

00:05:34 Speaker 2

I've been the news director at WXW for more than 25 years and had a lot of experience covering elections in western Wisconsin.

00:05:44 Speaker 2

Both local and statewide elections I've been tasked with sort of presenting the.

00:05:53 Speaker 2

Media coverage perspective on elections and I guess what I would like to see is at least a discussion about communicating how elections can be covered, especially at voting and polling places, because there does seem to be some discrepancies.

00:06:13 Speaker 2

Depending upon clerks in the state of Wisconsin and sort of their openness to having us there and shooting video and covering elections.

00:06:22 Speaker 2

But mostly I'm.

00:06:23 Speaker 2

I'm here as an observer and we'll communicate some of our discussion back to the Wisconsin Broadcasters Association.

00:06:30 Speaker 2

Thank you.

00:06:33 Speaker 1

Thank you.

00:06:34 Speaker 1

And Bill Barth, are you on this morning?

00:06:38 Speaker 3

I am.

00:06:38 Speaker 3

Can you hear me OK.

00:06:40 Speaker 1

Yes, I can thank you.

00:06:42 Speaker 3

Very good.

00:06:44 Speaker 3

Having missed the first meeting and coming in a bit in the middle of the movie here, but wanna asked me to represent and I was pleased to do so.

00:06:55 Speaker 3

The I personally I am the retired editor of retired three years ago as Beloit Daily News we have.

00:07:05 Speaker 3

Election coverage experience in Rock County, of course, Green County, Walworth County.

00:07:12 Speaker 3

For the most part, that experience has been has been good.

00:07:16 Speaker 3

As Sean said we we share some concerns to make sure that elections are administered from county to county in the in the same and similar matters.

00:07:27 Speaker 3

Other than that, our, you know, I'm here also as an observer, our primary interest as media is to have safe, fair and free elections and unimpeded voting.

00:07:39 Speaker 3

And not to have any thumbs on the scale or attempted thumbs on the scale as we have seen.

00:07:45 Speaker 3

Around the country at times and we of course want to insist on being as transparent and accessible as possible, we have over the years we had journalists in and out of polling places where our experience has been that it's it's been good with allowing access to.

00:08:05 Speaker 3

Hammers and.

00:08:08 Speaker 3

And if we do it the right way.

00:08:10 Speaker 3

The sure help do our part to assure election and.

00:08:14 Speaker 3

Otherwise, I'm here to observe a lot of people who know more about administering elections than I do.

00:08:22 Speaker 3

So look forward to participating.

00:08:24 Speaker 3

Thank you.

00:08:27 Speaker 1

Thank you.

00:08:29 Speaker 1

I'll now call on Claire Whitelock.

00:08:33 Speaker 4

Good morning.

00:08:33 Speaker 4

I am Claire with all the executive director of the City of Milwaukee Election Commission.

00:08:39 Speaker 4

I am excited to join the committee as the city with the largest central count operation in the state.

00:08:46 Speaker 4

I've run central count.

00:08:48 Speaker 4

During my entire tenure at the Election Commission, so over 10 years now.

00:08:53 Speaker 4

And I like to think that we run a very good operation where we've had to make adjustments and would really love to have rules that are written specific to central count, just so that we have guidelines to point to.

00:09:07 Speaker 4

And then also just having more clarity so that we see consistency across.

00:09:13 Speaker 4

You know, across the county, across the state, so that observers know what to expect and we can train our election workers with specific rules to point to, but lay out their duties.

00:09:28 Speaker 1

All right.

00:09:28 Speaker 1

Thank you and Katie Reinbold.

00:09:33 Speaker 1

Yes, I see.

00:09:35 Speaker 5

Hi, I'm Katie.

00:09:36 Speaker 5

I am clerk for town of Algoma in Winnebago County and I represent the Wisconsin Municipal Clerks Association.

00:09:45 Speaker 5

I am excited to be here to kind of help work through this, get a different perspective on election observers and.

00:09:54 Speaker 5

Have some clarity on across the board, but also have an understanding that every election is a different size for each municipality and that we can have.

00:10:05 Speaker 5



A little bit of flexibility.

00:10:10 Speaker 1

Thank you.

00:10:11 Speaker 1

And also here today there are two alternates for Members who are here at the last meeting.

00:10:17 Speaker 1

So I want to give.

00:10:17 Speaker 1

Each of them a chance to introduce themselves as well.

00:10:22 Speaker 1

So for the Libertarian Party, at the last meeting, I was represented by Jim Sewell, and at this meeting it will be Ken Brown.

00:10:29 Speaker 1

Ken Brown, are you on this call?

00:10:31 Speaker 1

See you.

00:10:33 Speaker 6

Good morning, everyone.

00:10:34 Speaker 6

Thank you for allowing me to participate here.

00:10:36 Speaker 6

I have been involved in both election working and observing for over 12 years now in the city of Racine, mostly and especially since we've added central count to Miss Woodall books point.

00:10:51 Speaker 6

There is no consistency in so many things.

00:10:54 Speaker 6

We have public schools being used in some cases where they will allow observers to use the restrooms and other ones they refuse to.

00:11:02 Speaker 6

They want to treat them differently.

00:11:04 Speaker 6

They don't want to allow them access.

00:11:06 Speaker 6

They've recently added these electronic badger books and now they use that as an excuse to keep observers from working from behind the poll worker, as has been done for as long as I've been involved in, actually probably closer to 20 years now, as I think about it.

00:11:23 Speaker 6

So thanks for having me this morning I'll be representing.

00:11:26 Speaker 6

Racine and I've been working for a long time with Julie Siegers and Deb Warren to ensure that we have consistency here in Racine and across.

00:11:33 Speaker 6

The state. Thank you.

00:11:36 Speaker 1

Thank you.

00:11:41 Speaker 1

Common Cause Wisconsin at the last meeting was represented by Aaron Grimsey.

00:11:46 Speaker 1

At this meeting they are represented by Kristin Hansen.

00:11:51 Speaker 1

Kristen, are you on this call?

00:11:53 Speaker 7

I am on this call.

00:11:55 Speaker 7

Good morning everyone.

00:11:56 Speaker 7

My name is Kristen Hansen.

00:11:57 Speaker 7

I am.

00:11:58 Speaker 7

I live in the city of Waukesha, and I've done election observing throughout southeastern Wisconsin for about 12.

00:12:05 Speaker 7

Years I work for the Fair Election Center, but I am here today as a board member of Common Cause, representing their interests and like many of you, I'm looking for rules that will add some consistency between polling places.

00:12:20 Speaker 7

I have done observing it everywhere from the rural town of Trenton to.

00:12:25 Speaker 7

Very crowded polling places in the city of Milwaukee.

00:12:28 Speaker 7

We have a lot of challenges having good polling places.

00:12:31 Speaker 7

With room for observers.

00:12:33 Speaker 7

So some kind of rules that will give some consistency to how observers are placed, how they're treated, what they're able to see all of that would be really helpful.

00:12:46 Speaker 7

I find observing to be a really important part of our election processes and the reports that come out after the elections, that from observers on the ground, are really crucial to seeing what's actually happening in all of our polling places.

00:13:01 Speaker 7

So I'm I'm very glad that this Commission exists and that we're doing this.

00:13:09 Speaker 1

Thank you.

00:13:12 Speaker 1

So I'm now just going to move down the list of of committee members here and allow everyone just to, you know, give a very brief introduction.

00:13:20 Speaker 1

I think everyone else was here the last time.

00:13:22 Speaker 1

I don't think that everyone is on this call, but I can't see everyone's screen at once.

00:13:28 Speaker 1

So just in case I'm missing someone, I'm just going to call if no one's there, I'll move on to the next.

00:13:33 Speaker 1

Person so Mark Gabriel from the Constitution Party, I don't think I see his.

00:13:45 Speaker 1

I don't think so.

00:13:46 Speaker 1

So I'm going to move on.

00:13:48 Speaker 1

Nikki Elson emailed me this morning saying that she wasn't able to participate.

00:13:52 Speaker 1

I do not see her.

00:13:54 Speaker 1

Here either.

00:13:56 Speaker 1

So Karen Huffman.

00:14:02 Speaker 8

Good morning everyone.

00:14:04 Speaker 8

My name is Karen Hoffman.

00:14:06 Speaker 8

Until recently, when my family moved to Milwaukee, I had the pleasure of serving as assistant chief in one of the polling places in Mequon, and I am representing the Democratic Party of Wisconsin.

00:14:21 Speaker 8

I'm thankful to be involved and basically what I'm looking for is legislation that fosters openness and transparency while protecting the integrity of the process and protecting the privacy of our voters.

00:14:36 Speaker 8

Thank you.

00:14:39 Speaker 1

Thank you.

00:14:40 Speaker 1

Robert Newby.

00:14:43 Speaker 9

I'm a poll observer representing the Democratic Party of Wisconsin.

00:14:47 Speaker 9

My main interest is in having the recommendations we make to the Commission be as simple and straightforward as possible, with the main goal of enhancing the experience of the most important people, the individual voter, in every instance.

00:15:06 Speaker 1

Thank you.

00:15:08 Speaker 1

David Kronig.

00:15:10 Speaker 10

Good morning.

00:15:11 Speaker 10

David Cronica.

00:15:12 Speaker 10

You see him pronouns?

00:15:13 Speaker 10

I'm representing the Democratic Party of Wisconsin, and I did just want to briefly note that I am no longer employed full time by the Democratic Party, and I have stepped down from my role, but they've asked me to continue serving as the representative on this committee, and I am looking forward to.

00:15:31 Speaker 10

As Bob said, recommending rules to the Commission that.

00:15:37 Speaker 10

Honor the important role that observers play while ultimately keeping in mind the most important people in this process, which is our voters of Wisconsin.

00:15:48 Speaker 1

Thank you.

00:15:51 Speaker 1

Next is Michelle Nelson, who was not able to be at the first meeting.

00:15:56 Speaker 1

I don't believe I see her in the participant list today either.

00:16:01 Speaker 1

I just want to give one moment in case I'm missing something.

00:16:06 Speaker 1

But I don't.

00:16:06 Speaker 1

I don't believe I see her today, so I will call on Lana Lee helm.

00:16:13 Speaker 11

Good morning.

00:16:13 Speaker 11

Sorry I was not able to get my video working but I am a representative of the Republican Party, a Chief Inspector in Menomonee Falls, and would echo the comments that yes, this is a very important committee and.

00:16:35 Speaker 11

Important that we do protect the rights of the voters and the so that they are.

00:16:43 Speaker 11

Assured of a fair, full and fair and honest election.

00:16:47 Speaker 11

Thank you.

00:16:50 Speaker 1

Thank you.

00:16:52 Speaker 1

Debbie Moran.

00:16:57 Speaker 1

And I do see Debbie.

00:16:59 Speaker 1

I know she's here by phone, so I think.

00:17:04 Speaker 1

There's a there's a code to unmute.

00:17:06 Speaker 1

There you are.

00:17:07 Speaker 1

I see.

00:17:08 Speaker 12

Can you hear me now?

00:17:09 Speaker 12

Brandon, yes, I can hear you.

00:17:11 Speaker 12

OK, great.

00:17:12 Speaker 12

OK, because I unmuted my phone, but I was still muted on the screen.

00:17:16 Speaker 12

Yes, I'm a long time observer representing the Republican Party.

00:17:22 Speaker 12

And that's about all I have.

00:17:24 Speaker 12

Hopefully this will go well today.

00:17:27 Speaker 1

Thank you.

00:17:29 Speaker 1

Brian retzer.

00:17:32 Speaker 13

Yep, right. That's, I'm the former RNC Election integrity director in Wisconsin here, worked with a lot of the election officials on this call during the 2022 election cycle and looking forward to establishing rules that make sure things are consistent around the state for our observers and also the voter experience as well.

00:17:56 Speaker 1

All right. Thank you.

00:17:58 Speaker 1

Barbara Beckert is not able to be on today.

00:18:01 Speaker 1

I don't believe she did.

00:18:02 Speaker 1

Let me know that she wasn't.

00:18:04 Speaker 1

Likely to be able to join, so I will call on Yolanda Adams.

00:18:10 Speaker 14

Good morning, Yolanda Adams.

00:18:12 Speaker 14

I'm from Kenosha, WI.

00:18:15 Speaker 14

Lifelong election poll worker election observer, representing forward Latino.

00:18:23 Speaker 14

That's based out of Franklin and Milwaukee, WI, so I am one of their reps in the Kenosha.

00:18:29 Speaker 14

Area and I'm here for the same reason everyone else's election integrity. You know, ago Axis polling places for our voters who are exercising their right to vote and.

00:18:43 Speaker 14

You know, trying to contribute in any way I can particularly focusing on the Latino experience.

00:18:49 Speaker 14

Thank you.

00:18:52 Speaker 1

Thank you.

00:18:53 Speaker 1

And I believe that Eileen newcomer is also not able to be here today.

00:18:58 Speaker 1

I'm just doing another scan to make sure.

00:19:03 Speaker 1

And so I will call on Kendra Goda.

00:19:12 Speaker 1



Actually, I don't.

00:19:13 Speaker 1

I don't think I'm seeing him.

00:19:16 Speaker 1

Either today I did not hear from him.

00:19:20 Speaker 1

I'll call on Anita Johnson.

00:19:26 Speaker 15

Thank you.

00:19:27 Speaker 15

I'm Anita Johnson and I represent souls to the polls.

00:19:31 Speaker 15

I am their outreach and educational manager.

00:19:34 Speaker 15

I have been observer for over 15 years.

00:19:37 Speaker 15

Today I'm hoping that we clean up the language of the rules so observers are clear of their positions.

00:19:46 Speaker 15

When they go to the polls to observe or.

00:19:49 Speaker 15

To central count. Thank you.

00:19:53 Speaker 1

Thank you.

00:19:55 Speaker 1

Julie seekers.

00:20:12 Speaker 1

Julie, I I think you're still muted.

00:20:17 Speaker 16

OK.

00:20:18 Speaker 16

There we go.

00:20:18 Speaker 16

Oh, now I have to start again.

00:20:19 Speaker 16

OK, good morning again.

00:20:22 Speaker 16

I'm Julie Seegers, and I represent the Wisconsin election integrity.

00:20:26 Speaker 16

At work and I'm happy that we're able to get together again to do this, to clarify these rules, I have recruited and trained many, many observers, and I've seen the difference in Kenosha and Racine counties and the inconsistencies in both counties, so I'm sure it happens all over.

00:20:47 Speaker 16

Just from talking to people that.

00:20:49 Speaker 16

Have done the same thing that I have in the state of Wisconsin, so I'm looking forward to just like all of you to make sure that the vote is protected and that observers understand the rules and that we have much more clarity across the board.

00:21:10 Speaker 1

Thank you.

00:21:11 Speaker 1

Carolyn fox.

00:21:15 Speaker 17

Good morning.

00:21:15 Speaker 17

I'm Carolyn fox.

00:21:17 Speaker 17

I'm the city clerk for the city of Mequon.

00:21:19 Speaker 17

I've been involved in municipal government for over 20 years, and I'll be coming today from the perspective of the administration of elections and for.

00:21:34 Speaker 17

The perspective of the chief inspectors and poll workers on Election Day to make sure that the rules help them facilitate transparency on Election Day, but also so that they're able to handle the supervision of observers.

00:21:55 Speaker 1

Thank you.

00:21:57 Speaker 1

And next Diane Conan.

00:22:01 Speaker 18

Good morning.

00:22:03 Speaker 18

I am the city clerk for the city of Oconomowoc.

00:22:06 Speaker 18

I am representing the Wisconsin Municipal Clerks Association.

00:22:10 Speaker 18

I am also a member of the Wisconsin ADA Association, and so besides.

00:22:18 Speaker 18

Looking at the observer rules and how it affects the not the municipal clerks, the chief inspectors, all the poll workers and also the observers, I'm also coming from another vantage point of making sure that those with disabilities who wish to observe are.

00:22:37 Speaker 18

Able to observe that we can make as many accommodations as they need as feasible, and so that's why I am part of this.

00:22:49 Speaker 18

Thank you.

00:22:52 Speaker 1

Thank you.

00:22:53 Speaker 1

Toya Harrell.

00:22:57 Speaker 19

Good morning.

00:22:57 Speaker 19

My name is Toya Harrell and I am the village clerk here in Shorewood.

00:23:02 Speaker 19

What I hope to get from this Advisory Board is some clear cut rules that are consistent and also some language or verbiage that points to the importance of having.

00:23:17 Speaker 19

Election inspectors I've only been in my position for almost two years.

00:23:21 Speaker 19

And I really value my observers that come in.

00:23:24 Speaker 19

They give me feedback and I think while we're establishing all these rules, it's also good to note the importance of what the election observers do in preserving our integrity as as election workers.

00:23:41 Speaker 1

Thank you.

00:23:42 Speaker 1

I appreciate the introductions from everyone.

00:23:44 Speaker 1

I think that will give everyone watching a a good sense of what we're doing here today.

00:23:50 Speaker 1

And so now I would like to jump right in to discussing the draft rules, so I'm going to rearrange my screen just a little bit and put a Word document that I can read from and share on the screen for everyone to see.

00:24:09 Speaker 1

So just one.

00:24:11 Speaker 1

One moment here while I arrange.

00:24:17 Speaker 1

All right, so I'm going to share my screen whoop.

00:24:23 Speaker 1

Matt, could you make me a host for this meeting so that I can share my screen?

00:25:04

OK.

00:25:05 Speaker 1

Is everyone?

00:25:08 Speaker 1

Able to see.

00:25:10 Speaker 1

The Word document.

00:25:22 Speaker 1

OK.

00:25:22 Speaker 1

Is that was that a A A yes people?

00:25:24 Speaker 1

Are able to see it.

00:25:25 Speaker 1

OK, I'm seeing.

00:25:27 Speaker 1

That's good.

00:25:28 Speaker 1

All right, so I will start with.

00:25:31 Speaker 1

So there were a couple of notes I I will go through these.

00:25:34 Speaker 1

I think these are the kinds of things that probably should be discussed at the end of the meeting where there's space for more of an open discussion.

00:25:42 Speaker 1

But there were a number of comments.

00:25:45 Speaker 1

That were not added into these draft rules and I just wanted to explain a little bit why that, why that was on.

00:25:52 Speaker 1

There are comments related to election equipment testing, post election audits, county canvases, all of these things are public meetings, so all of them are observable in a sense of the word.

00:26:04 Speaker 1

Observe, but they are not mentioned in Wisconsin statute, 7.41, or any of the other instances where election observers are mentioned.

00:26:16 Speaker 1

So it's it's not that it's not observable, it's just that it's not something that the Commission is likely to be able.

00:26:21 Speaker 1

To make rules for under Wisconsin Statute 7.41, which is what the the current scope statement is covering. So just a little distinction on that point.

00:26:35 Speaker 1

A second second note is just that at the first meeting there were many, many comments asking the Commission to produce additional guidance both on the basis of these rules and kind of any additional guidance that would help election observers and poll workers.

00:26:52 Speaker 1

On Election Day, just giving everyone the information they need, I think that is still very much on the table for the Commission.

00:26:58 Speaker 1

There's not, you know, the the Commission can, you know, release any guidance and I think feedback on what guidance is desired is still very helpful.

00:27:07 Speaker 1

It just likely wouldn't be part of the.

00:27:10 Speaker 1

The rule text itself, although there could be a potential rule provision that allows or or that you know demands, you know having the guidance on hand handing the guidance out to observers, I think that kind of thing is certainly possible, but I don't think the rule would.

00:27:26 Speaker 1

Include you know what the guidance should be just because of, you know, the difference between a guidance and A and a rule.

00:27:34 Speaker 1

Another comment that we didn't think could be included in the draft text.

00:27:39 Speaker 1

There were discussions about interactions between observers and voters kind of outside of the 100 foot zone around a polling place, and I simply don't think that the Commission is able to regulate really anything outside of that.

00:27:56 Speaker 1

You know, the electioneering zone is.

00:27:57 Speaker 1

The you know pretty carefully, constitutionally defined area and I you know regulations that go beyond that zone are are just very unlikely to be you know permissible.

00:28:11 Speaker 1

So I just wanted to add that as a as a note before we begin.

00:28:16 Speaker 1

And what I'm going to do for each rule section here is I'm going to read the section and then pause to allow everyone here to raise your hand and which should be in the lower lower section of your screen and comment and.

00:28:34 Speaker 1

If at the end of all the comments there is kind of a way for me to adjust the rule on the screen, I will add something.

00:28:43 Speaker 1

This is a, you know, this is going to be a track change, so the Commission will receive both the you know, draft as it was written and and sent to all of you and they will receive any edits made during this meeting.

00:28:55 Speaker 1

And of course any any comments that you make for a handful of these rules, I think I will ask all Members in the comment just to state you know, if you support the.

00:29:07 Speaker 1

Cool as written as modified or an alternate version, I'm only going to do that a few times.

00:29:14 Speaker 1

I think only if you know on the the rule sections where there's a a sharper divide between options, but I am hoping to to use that as just an additional way for the Commission to know you know who specifically is supporting which.

00:29:27 Speaker 1

Which version?

00:29:29 Speaker 1

I do see one hand up front, so I will call on Debbie Moran now, just in case there's something before we begin.

00:29:37 Speaker 12

Yes, Brandon.

00:29:40 Speaker 12

You can hear me, right? I'm always OK. Great. So I just have a point of clarification kind of follows on the first note that you have on here. I don't notice and in statute 7.41 any special type of acknowledgement?

00:29:42 Speaker 1

Yes, thank you.

00:29:59 Speaker 12

Of the media as a separate type of election observers so.

00:30:05 Speaker 12

Do we address just like we don't address these things under?

00:30:08 Speaker 12

Seven or one?

00:30:09 Speaker 12

Do we address the media under 7.4?

00:30:13 Speaker 1

Yeah. So, I mean, I think that's a that's a very fair point and and quite quite accurate with what 7.41 says. I I do want to save that discussion for the end though. So the last section of the rules.

00:30:30 Speaker 1

Let me see.

00:30:30 Speaker 1

I'm just scrolling down so you can see it.

00:30:34 Speaker 1

So section 4.06, media observers and post observation practices. So this is where?

00:30:41 Speaker 1

You know, at least in this draft text, we added a section on on media.

00:30:48 Speaker 1

I think your comment you know I I think I think your comment is very appropriate.

00:30:53 Speaker 1

I just think it should wait for that, that section of the meeting, but I, you know, I do understand your your comment, but I just I think we should.



00:31:02 Speaker 1

You know, address that once we get to that section, but certainly a reasonable comment.

00:31:11 Speaker 1

OK, so does anyone else have any kind of beginning clarification questions before we jump into the the text?

00:31:19 Speaker 12

I just wanted to say, Brandon, I think that's fine that you know the the chapter Gab chapter 4.

00:31:20 Speaker 1

I think I can.

00:31:25 Speaker 12

You know the old one that expired.

00:31:27 Speaker 12

Did address media, but they also addressed.

00:31:31 Speaker 12

Disability accessibility issues at under the Observer area and I noticed that wasn't really in here, but so that's why I raised it at the time that I did because it was up in the notes.

00:31:42 Speaker 12

But yeah, I I will.

00:31:43 Speaker 1

OK. Yeah.

00:31:45 Speaker 12

Bring it up later.

00:31:45 Speaker 12

OK.

00:31:46 Speaker 12

Thank you.

00:31:47 Speaker 1

OK. Thank you.

00:31:49 Speaker 1

And any other preliminary comments?

00:31:55 Speaker 1

OK, so I'm going to read the first section. So the first section EI 4.01 definitions in this chapter and then there's quite a few definitions. This is greatly expanded from the the old draft.

00:32:10 Speaker 1

The first one is accessibility.

00:32:12 Speaker 1

Reviewer means an individual authorized by the Commission who monitors compliance with statute.

00:32:17 Speaker 1

5.254 a accessibility reviewers are not observers under this chapter, so kind of as Debbie was saying the last draft version of rules.

00:32:29 Speaker 1

Had a section on accessibility reviewers during the meeting.

00:32:33 Speaker 1

The first meeting of the advisory committee, there were comments that accessibility reviewers really should not be considered observers, but rather people who are, you know, employed to conduct a survey under the under the direction of the Commission.

00:32:49 Speaker 1

So are there any comments on accessibility reviewer?

00:33:03 Speaker 1

OK, I'm not seeing any.

00:33:06 Speaker 1

Any hands I want to make sure I'm not missing anyone at any election staff who are on the call.

00:33:11 Speaker 1

If I miss a hand, please, please let me know I'm not.

00:33:14 Speaker 1

I do see Yolanda Adams.

00:33:22 Speaker 14

OK, I was just raising my hand because I was OK with it.

00:33:27 Speaker 14

So do you want us to raise our hand if we have a question?

00:33:28 Speaker 1

Oh, OK.

00:33:30 Speaker 1

Or I I think.

00:33:32 Speaker 1

Yeah, I think raising hands just if you have a a question or or comment on on the rule.

00:33:36 Speaker 15

Thank you.

00:33:38 Speaker 1

So if there if there aren't any, I'll just I'll move on to the to the next one.

00:33:42 Speaker 12

Brenda and Iris.

00:33:42 Speaker 1

Debbie Marin.

00:33:44 Speaker 12

Yes, my my only comment would be on this since they were, since they were covered in the last rules, as you know under the observer.

00:33:54 Speaker 12

So when they come into a polling place, they're going to be doing different things than observers, probably going different places where observers are not allowed to go.

00:34:03 Speaker 12

So when.

00:34:04 Speaker 12

This authority some.

00:34:05 Speaker 12

Would there be some way to identify them so other observers don't look at them and say how come they get to go over there and I don't, or if they're going over there, I'm going to I'm going to follow them because they're just observers as well.

00:34:17 Speaker 12

So I don't, I don't know.

00:34:19 Speaker 12

I'm not.

00:34:19 Speaker 12

I don't know how to answer that.

00:34:21 Speaker 12

I can only pose a question and I'll let.

00:34:23 Speaker 12

You come up with the answer.

00:34:26 Speaker 1

OK.

00:34:26 Speaker 8

That's it.

00:34:26 Speaker 1

Yeah, I think I see, I think I see what you're you're saying just to something that.

00:34:31 Speaker 1

Not only differentiates because they, they will all be.

00:34:35 Speaker 1

You know, kind of signing in with the Chief Inspector, but.

00:34:40 Speaker 1

You know, I think the comment is, is there any way for observers and voters to know?

00:34:46 Speaker 1

You know specifically who they are and what they're what they're doing, Diane Conan.

00:34:53 Speaker 18

I believe that the accessibility reviewer that I had at my poll was wearing credentials, so some type of a a, a badge or something.

00:35:03 Speaker 18

And then, of course, they checked in with the chief and it was all noted on the incident log and when they left, they checked out with the chief just so the chief knew that they weren't.

00:35:14 Speaker 18

On the outside of the polling location, looking at things, if they were done with their work.

00:35:19 Speaker 18

So I think that they definitely need some type of a badge and of course a check.

00:35:27 Speaker 1

OK. Thank you. Yeah.

00:35:31 Speaker 1

Any other.

00:35:32 Speaker 1

Any other questions or comments on accessibility?

00:35:35 Speaker 1

The reviewer.

00:35:39 Speaker 1

And I do also just want to make clear that when you raise your hand and speak, we are taking minutes today.

00:35:45 Speaker 1

So we are, you know recording.

00:35:48 Speaker 1

Everything that you're saying, so if you.

00:35:49 Speaker 1

You know if.

00:35:50 Speaker 1

You, you know, say your comment that is something that's going to be recorded and available to the Commissioner.

00:35:57 Speaker 1

Eileen newcomer.

00:35:59 Speaker 20

Yep, this is Eileen.

00:36:02 Speaker 20

I wasn't sure if you wanted us to comment if we supported this.

00:36:06 Speaker 20

I know this is something that's different from the previous draft rule and we think that the definition is significantly different between an observer and accessibility reviewer, so.

00:36:17 Speaker 20

I appreciate this and I appreciate that just distinction that is kind of given by not including the role of accessibility reviewers in this draft rule would also be fine if there was a way to distinguish so that there wasn't confusion among voters and regular observers.

00:36:33 Speaker 20

But I just wanted to mention that in general we support.

00:36:38 Speaker 1

Thank you.

00:36:40 Speaker 1

Claire would havoc or vogue.

00:36:42 Speaker 4

That's OK. That's all right. That's my husband's last name. You can you can mispronounce that one. My only question is I know the last fall we had a lot of confusion or concern from other observers with our DOJ visitors as well. So maybe.

00:37:00 Speaker 4

In addition to defining the accessibility reviewer also adding in.

00:37:05 Speaker 4

You know, government officials representing other agencies who are authorized, we actually had two incidents where they were harassed because it wasn't specific in any rules, that they weren't considered normal observers.

00:37:22 Speaker 1

OK, so something identifying other, you know, government authorized individuals, OK.

00:37:29 Speaker 4

Yeah, just other exceptions to.

00:37:31 Speaker 4

You know a normal observer.

00:37:35 Speaker 1

Julie Segers.

00:37:38 Speaker 1

Ohh, I'm sorry you're muted again.

00:37:47 Speaker 1

There you're on mute. Ohh.

00:37:49 Speaker 16

There is that good.

00:37:51 Speaker 1

There we go.

00:37:51 Speaker 1

Yep, I can hear you.

00:37:51 Speaker 16

I'm sorry.

00:37:52 Speaker 16

I'll get this right.

00:37:54 Speaker 16

Yeah, I completely agree.

00:37:56 Speaker 16

Agree with Claire on that.

00:37:57 Speaker 16

There was a lot of confusion with the DOJ coming in to Racine City.

00:38:04 Speaker 16

They were being asked, you know, the observers were being asked for their.

00:38:09 Speaker 16

For how they affiliated and for their names.

00:38:13 Speaker 16

And it was a very confusing thing.

00:38:15 Speaker 16

So yeah, completely agree that that should be a separate line as well.

00:38:24 Speaker 1

OK. Thank you.

00:38:28 Speaker 1

Any other comments on accessibility reviewer?

00:38:38 Speaker 1

I'm not seeing any comments.

00:38:40 Speaker 1

I will move on.

00:38:41 Speaker 1

I think I'm going to take the next three as as one just because I'm not anticipating too much, too many comments on that.

00:38:50 Speaker 1

So Commission means the Wisconsin Elections Commission Chief Inspector means the Chief Inspector at a polling place under 7.36 B, or the election official.

00:38:59 Speaker 1

The Chief Inspector designates to carry out the responsibilities of the Chief Inspector under this chapter.

00:39:04 Speaker 1

Clerk means the municipal clerk or the executive director of the municipal board of election commissioners, or the official designated by the clerk or director to carry out the election responsibilities under this chapter.

00:39:16 Speaker 1

So comments on any of the three of those definitions, David Koenig.

00:39:23 Speaker 10

Thanks, Brendan.

00:39:24 Speaker 10

And this is more sort of stylistic than substantive, I guess, but it in sub three and sub four, the language or the election official that the Chief Inspector designates the carry out the responsibilities.

00:39:39 Speaker 10

And strikes me as a little uh.

00:39:43 Speaker 10

Just a little odd that that would be part of the definition. It seems to me that Chief Inspector and clerk are terms that are defined in statute, and it might read better or work better to stick to the statutory definitions and then in section 403 just add it.

00:40:03 Speaker 10

In a subsection that says the Chief Inspector or clerk may designate another individual.

00:40:09 Speaker 10

To carry out.

00:40:10 Speaker 10



The election roles and responsibilities under this chapter.

00:40:15 Speaker 1

OK, OK.

00:40:16 Speaker 1

Yep, I think I understand.

00:40:19 Speaker 1

Just to stick to the basic definitions here and have.

00:40:26 Speaker 1

You know the other possibility of someone designated later on, kind of as needed.

00:40:33 Speaker 1

So OK, I think I think I understand.

00:40:35 Speaker 1

Any other comments on.

00:40:37 Speaker 1

Those definitions.

00:40:45 Speaker 1

OK, I'm going to move on to communications media.

00:40:49 Speaker 1

So communications media means newspapers, periodicals, radio stations and television stations.

00:40:56 Speaker 1

Sean Dwyer.

00:41:03 Speaker 2

Do we think it is important for us to make mention of social media reporters which are not mentioned there?

00:41:14 Speaker 2

There are a number in western Wisconsin that their media, but they're not associated with the newspaper or radio station or a TV.

00:41:23 Speaker 2

Station do we believe that that would be important to include in communications media?

00:41:33 Speaker 1

OK, umm, how?

00:41:34 Speaker 1

If you were going to phrase that addition, do you have any particular wording that you would use?

00:41:43 Speaker 2

Perhaps that you could say is social media reporting.

00:41:51 Speaker 2

Because most newspapers, periodicals, radio stations, TV stations, they'll have their website.

00:41:58 Speaker 2

So that would fall under that umbrella.

00:42:00 Speaker 2

But there are certain organizations that just have.

00:42:05 Speaker 2

Social media site.

00:42:08 Speaker 2

That also would probably want access so I don't have any great legal definition of that.

00:42:16 Speaker 2

I'm I'm sort of bringing it up, as should the group consider that.

00:42:22 Speaker 1

OK. Yes, thank you.

00:42:26 Speaker 1

Brian ritza.

00:42:28 Speaker 13

Hey, Brandon, I was just curious if it might be beneficial to reference the statutory definitions of these different media outlets just because I mean.

00:42:45 Speaker 13

Obviously it could end up in court eventually if somebody just shows up and says they're from my newspaper.

00:42:51 Speaker 13

You know, the Ryan news, the Ryan daily or something, and then they start interviewing voters and and doing all of that.

00:42:57 Speaker 13

So I just think it would be beneficial to actually reference something in the statutes.

00:43:04 Speaker 13

With those various communications media.

00:43:08 Speaker 1

OK, thank you, Bill Barth.

00:43:13

My my.

00:43:13 Speaker 3

Thought echoes seance to to a great degree.

00:43:17 Speaker 3

It it occurred to me that.

00:43:19 Speaker 3

This is basically referencing legacy media and which of course I represent.

00:43:27 Speaker 3

But look, there are a lot of.

00:43:29 Speaker 3

A lot of social media, as as he said, and also digital.

00:43:35 Speaker 3

Journalism Wisconsin watch, for example, which is widely followed.

00:43:41 Speaker 3

And so I I too do not have the, you know, proper statutory.

00:43:48 Speaker 3

Language to use here, but I think that this is a is a rather narrow definition of communications media that needs to be broadened to take in, you know, the modern digital.

00:44:01 Speaker 3

Journalism landscape.

00:44:06 Speaker 1

All right. Thank.

00:44:06 Speaker 1

You, Yolanda Adams.

00:44:12 Speaker 14

When I read this, I I think about.

00:44:15 Speaker 14

The individuals that will come and proclaim to be media journalists and they're they're not credentialed in any way.

00:44:23 Speaker 14

And I guess in Wisconsin you don't have to.

00:44:27 Speaker 14

Have credentials I mean.

00:44:28 Speaker 14

I don't.

00:44:29 Speaker 14

We found out you don't have to go to a class.

00:44:32 Speaker 14

You don't have to have any kind of.

00:44:35 Speaker 14

Diploma or degree.

00:44:37 Speaker 14

But my worry here is these individuals who have their own podcasts or their own website and claim to be journalists and demand a seat at the table.

00:44:50 Speaker 14

And I just don't know how we would get, you know, how we would word this or if we should word it to say they need some kind of some kind of credentials.

00:45:04 Speaker 14

To to be able.

00:45:05 Speaker 14

To again, as someone just said, you know, interview individuals exiting or entering the polling places.

00:45:16 Speaker 1

All right. Thank you.

00:45:18 Speaker 1

Kristin Hansen.

00:45:21 Speaker 7

I I'm coming down on the side of concern that they are people who are going to be self appointed.

00:45:28 Speaker 7

Journalists for their own social media page or something who do not have the proper training to.

00:45:36 Speaker 7

To do this as a media representative.

00:45:40 Speaker 7

So something needs to be done.

00:45:42 Speaker 7

I agree with the others about credentialing with the fall back that if a person is unable to show that they are a member of some kind of professional news organization, be that a digital site.

00:46:00 Speaker 7

Sprint radio, whatever that they then the fall back is you may observe.

00:46:06 Speaker 7

But not to the level of a media person who's allowed to take photographs and interview voters.

00:46:13 Speaker 7

Because we've all seen, you know, media people come in with lanyards with something that, you know, identifies them as an official journalist.

00:46:24 Speaker 7

Which is fine if the voter wants to speak to someone like that.

00:46:27 Speaker 7

But if you don't have any kind of credit credential and you're starting to interview voters saying that you are a journalist when in fact you're just a guy with a Twitter account.

00:46:41 Speaker 7

That could be very dangerous.

00:46:43 Speaker 7

So I think this needs more scrutiny than perhaps.

00:46:47 Speaker 7

We originally thought.

00:46:50 Speaker 1

All right, thank you, Eileen newcomer.

00:46:54 Speaker 1

Also I you can.

00:46:55 Speaker 1

Say a few words to introduce yourself to.

00:46:56 Speaker 1

Since you didn't get to do that at the very beginning.

00:47:00 Speaker 20

Uh, sure.

00:47:01 Speaker 20

Hi, everyone.

00:47:01 Speaker 20

I'm Eileen.

00:47:02 Speaker 20

I'm the voter education manager for the League of Women Voters of Wisconsin, and I have been running their election observation program for the last nearly six years, going on six years.

00:47:14 Speaker 20

Now so a little bit about me.

00:47:17 Speaker 20

I did want to just comment on this and lift up and say that, you know generally we agree with what Kristen and Yolanda have been saying just you know some concern about having a definition.

00:47:26 Speaker 20

I know that there are.

00:47:29 Speaker 20

Different ways of defining media, but I I am concerned about people seeing the communications media part as like a loophole to then intimidate voters.

00:47:38 Speaker 20

And I just want to make sure that the intent of what is written here is carried throughout the polling place.

00:47:45 Speaker 1

All right.

00:47:45 Speaker 1

Thank you, Ryan ritza.

00:47:50 Speaker 13

Hey, sorry I didn't want to speak twice on this, but I just wanted to say certainly agree with Kristen and Yolanda that there needs to at least be some requirement that they display identification or credentials or something that's issued by the outlet to the person signing them in as a.

00:48:10 Speaker 13

The media.

00:48:14 Speaker 1

All right. Thank you.

00:48:16 Speaker 1

Sean dryer, Dwyer. Sorry.

00:48:22 Speaker 2

I'm sure Bob.

00:48:23 Speaker 2

Bill would sort of echo my comments, but generally our practices and and again, I don't think this needs to be written into the rules, but generally our practices is we try to let clerks know which polling places we're coming to.

00:48:38 Speaker 2

We have our people are credentialed, they have lanyards.

00:48:44 Speaker 2

With our logo, their information on there as well.

00:48:48 Speaker 2

I also most often instruct them to make sure they have a drivers license.

00:48:53 Speaker 2

Yes, but we also always tell them you're not allowed to interview voters until you know outside of the polling place, et cetera.

00:49:03 Speaker 2

But I will say that we have had numerous examples of.

00:49:08 Speaker 2

People at debates and and other sort of public forums claiming to be reporters and I'm concerned because they are less involved in observing and reporting and more concerned about disruption.

00:49:26 Speaker 2

And so I do think that is something that's really.

00:49:29 Speaker 2

Critical to be addressed.

00:49:33 Speaker 1

OK. Thank you, David kronick.

00:49:36 Speaker 10

Yeah. I just want to briefly note my agreement with Yolanda, Christine, and Eileen's concerns about someone proclaiming themselves to be media and using it as a loophole to, you know, come in and intimidate voters. And so I I would be fine with some version of the more restricted.

00:49:57 Speaker 10

Definition that you've got drafted here and I I I'm no expert in media law but I don't know if there.

00:50:03 Speaker 10

No definition under federal.

00:50:05 Speaker 10

Law that might.

00:50:06 Speaker 10

Be appropriate to cross reference them.

00:50:08 Speaker 10

You know, for instance, media that's regulated by the FCC or something like that.

00:50:14 Speaker 10

So you know something along those lines to make sure that it it is genuine media.

00:50:23 Speaker 1

Thank you.

00:50:24 Speaker 1



Ken brown.

00:50:27 Speaker 6

I kind of have to object to the idea that the purpose of somebody coming in to examine what's going on as a media person, that they're there to intimidate voters, I that I've heard that brought up three or four times, I think that's completely incorrect and under the United States Constitution, freedom of the press is not defined by any kind of credentials.

00:50:49 Speaker 6

I many years ago I was a Blogger.

00:50:51 Speaker 6

I attended numerous events as a Blogger and was and I was self credentialed to do so, and I never caused any disruption.

00:50:58 Speaker 6

I see how people could, but it was an opportunity.

00:51:00 Speaker 6

Leave for people to do that.

00:51:03 Speaker 6

You talk about a guy with a Twitter account.

00:51:05 Speaker 6

Tucker Carlson has a Twitter account.

00:51:07 Speaker 6

He's got lots and lots of people that are watching what he has to say.

00:51:10 Speaker 6

Elon Musk has even a greater number out there.

00:51:13 Speaker 6

So there's a lot of people out there that have just a Twitter account and it is a new world.

00:51:17 Speaker 6

So I think bringing this to the attention, I forgot who actually brought up first, but.

00:51:21 Speaker 6

And social media be included in that in some sort of a definition would definitely be an appropriate thing to do.

00:51:29 Speaker 6

I don't think interacting with the voters inside the polling places should be permitted.

00:51:33 Speaker 6

That should certainly be happening either while they're in line or as an exit polling situation.

00:51:39 Speaker 6

But I've been to polling places where photographers.

00:51:42 Speaker 6

Come in to take pictures of the process that was going on without taking pictures of the actual.

00:51:47 Speaker 6

Voters, thank you.

00:51:49 Speaker 1

Thank you.

00:51:51 Speaker 1

Bill Barth.

00:51:54 Speaker 3

But I have to agree in large measure with Mr.

00:51:57 Speaker 3

Brown, the I do think that that we the broader description to include today's modern media, social media, just digital online platforms and so forth.

00:52:12 Speaker 3

We also have experienced.

00:52:14 Speaker 3

Over the years, people pretending to be reporters, so I don't know how you prevent that.

00:52:20 Speaker 3

But if I were to look at a definition or part of the rule making process, I think the focus should be on conduct rather than credentialing because in today's media landscape it's just different than it used to be.

00:52:40 Speaker 3

The conduct, however, is not different than it used to be.

00:52:44 Speaker 3

If people you know, come in to the polling place.

00:52:48 Speaker 3

For and to observe our areas anywhere and our our misbehaving or their conduct is unacceptable, that can be dealt with.

00:52:58 Speaker 3

I think much easier than trying to figure out who is credentialed and who is not.

00:53:04 Speaker 3

I would focus instead on conduct.

00:53:08 Speaker 1

Thank you.

00:53:09 Speaker 1

Thank you, Julie Segers.

00:53:17 Speaker 1

Ohh and you are muted.

00:53:24 Speaker 16

OK.

00:53:25 Speaker 1

There you go.

00:53:26 Speaker 16

OK, so my my biggest concern is that when media comes into these places or even in line within 100 feet of the building, that these questions can be misconstrued as electioneering. So I think that that would maybe need to be.

00:53:44 Speaker 16

God ever considered when the media came into a location where I was observing the machine testing?

00:53:55 Speaker 16

I considered it harassment because they kept zoning in and out of my.

00:53:59 Speaker 16

Base they were assuming that I was there because I was contesting the type of machines that were there.

00:54:06 Speaker 16

I didn't even at the time know what kind of machines were there at that location.

00:54:10 Speaker 16

I hadn't even started asking questions.

00:54:14 Speaker 16

So I think that that, that, you know, they can be heard.

00:54:19 Speaker 16

I I felt harassed and then when I saw the the what they produced that evening on the news and the amount of time that was spent on my face, zoning in and out of my face because I wouldn't talk to them.

00:54:33 Speaker 16

It was very intimidating.

00:54:34 Speaker 16

So I think we need to be.

00:54:36 Speaker 16

Be very careful and the media has to be very careful to not do any kind of electioneering or or harass because I've been there.

00:54:47 Speaker 1

Thank you.

00:54:48 Speaker 1

Robert Newby.

00:54:52 Speaker 9

I like the focus on conduct in our document 4.04 or 40.4. I forget item 11. It says no observer may initiate conversation with a voter.

00:55:05 Speaker 9

Thank you.

00:55:07 Speaker 1

Thank you.

00:55:10 Speaker 1

Any other comments on communications media?

00:55:13 Speaker 1

Karen Huffman.

00:55:16 Speaker 8

I'm going to add what's really important is who the person says they represent on that day.

00:55:22 Speaker 8

People can be multiple things.

00:55:24 Speaker 8

They can represent the party and they can also represent the media.

00:55:30 Speaker 8

I think it's important because we did have an instance in the last election where an observer.

00:55:37 Speaker 8

Was very.

00:55:41 Speaker 8

Vague about who she represented, and it came what it came out finally was that she was really there to represent or see what was going on for someone else who was running.

00:55:51 Speaker 8

And so I think having them established in writing, who they're representing for that day is critically important.

00:55:58 Speaker 8

And that becomes a matter of public record.

00:56:01 Speaker 8

Thank you.

00:56:03 Speaker 1

Thank you.

00:56:05 Speaker 1

And I think with this topic, as Robert Newby mentioned, I think a couple of Elizabeth mentioned that this will blend in a bit with other sections of these rules, particularly interactions with voters.

00:56:19 Speaker 1

And then the section on just media later on.

00:56:23 Speaker 1

So I think there there will be more discussion on this there there is.

00:56:26 Speaker 1

You know, this is something I think the Commissioners are going to need to think about.

00:56:30 Speaker 1

So thank you for your feedback on this.

00:56:32 Speaker 1

Like I'm going to move on to confidential information. Confidential information means information that is not part of the public aspects of the voting process and includes drivers, license numbers, birth dates, social Social Security numbers, accommodation information, photo ID's, proof of residency documents, information concerning.

00:56:52 Speaker 1

Confidential electors guardianship information, voted ballots and communications by a voter to a person rendering voting assistance under statute 6.8 two 6.87 sub 5 or 6.875 sub 6C1.

00:57:09 Speaker 1

I will start with David Koenig.

00:57:13 Speaker 10

I just had a couple comments I wanted to make here.

00:57:17 Speaker 10

I would say that includes should be changed to including, but not limited to such that you know they're it's possible that this may not be an exhaustive list.

00:57:31 Speaker 10

I also I looked.

00:57:34 Speaker 10

Regulation EL320 sub two, which is the list of data that is not permitted to be retained by groups doing voter registration drives. And there were some things in there that struck me as things that we would want to include.

00:57:54 Speaker 10

Year and so that would include Department of Transportation identification numbers for non driving photo ID's from the DMV.

00:58:05 Speaker 10

And the other is that I think we should say social, Social Security numbers or any portion thereof, because the voter registration forms only ask for the last four digits.

00:58:19 Speaker 1

OK, thank you.

00:58:20 Speaker 1

I do just want to comment that the word includes here was chosen specifically to not be limiting.

00:58:27 Speaker 1

So a list that says includes I I think is is automatically presumed to.

00:58:32 Speaker 1

I mean that it is not not limited, so that that was the intent, but I, you know certainly that that is something the, you know Commission can consider adding extra language to clarify that as well.

00:58:48 Speaker 1

So thank you Ryan Ritza.

00:58:52 Speaker 13

Yeah, I this might be a question for the staff to accommodation information.

00:58:58 Speaker 13

Is that something that's typically on file like the on their?

00:59:04 Speaker 1

So it it can be so on.

00:59:07 Speaker 1

Basically that is specific to an Election Day registration.

00:59:12 Speaker 1

So as part of a registration, a voter can list accommodation needs for polling place directly on the registration form.

00:59:24 Speaker 1

So that that's really what that is.

00:59:25 Speaker 1

Is referring to just.

00:59:27 Speaker 1

If there is any, you know any information related to an accommodation, that is, you know.

00:59:33 Speaker 1

Discussed for used, presented in some in some manner in the polling place on Election Day, so that that's why that that language.

00:59:40 Speaker 2

Is there?

00:59:41 Speaker 13

And is that right?

00:59:42 Speaker 13

Data retained by Wexford distribution to the municipal clerks for the poll books?

00:59:47 Speaker 13

Is there like a note annotation in the poll books?

00:59:51 Speaker 1

That it would be on the registration form itself, so it is not.

00:59:54 Speaker 1

It's not a something the Elections Commission has.

00:59:57 Speaker 1

It would be at the local local level, but it is.

01:00:00 Speaker 1

It is retained at the local levels, but municipal clerks, if the information is provided, which it I, you know, I don't know how often it is provided, but it would be, you know received and maintained.

01:00:12 Speaker 1

At the local level.

01:00:13 Speaker 13

OK, so then I might I might just recommend that.

01:00:19 Speaker 13

That the accommodation included on the registration form like that on the registration form component be added to it just because I wasn't exactly sure what that meant, like if.

01:00:31 Speaker 13

Like it was on.

01:00:31 Speaker 13

File that they need assistance or.

01:00:34 Speaker 13

Whatever it may be, so that would be good.

01:00:37 Speaker 1



OK. Thank you.

01:00:40 Speaker 1

Ken brown.

01:00:44 Speaker 6

I believe this is the appropriate time to bring this up, and I may refer to it a little bit later on, but if I'm standing behind the poll worker and the voter steps forward to state their name and address and then presents a photo ID, I believe as an observer I should at least be able to determine, not necessarily their height and weight and their drivers license number, but that it is.

01:01:04 Speaker 6

At least as a Wisconsin driver's license or a United States passport or other photo ID that would be acceptable to be used in the state of Wisconsin.

01:01:13 Speaker 6

And also for whatever if it's set the registration table, whatever proof of residency that they're using, whether it be a Verizon bill or a we energies bill, that that does in fact it's a qualified document and it does have their name on that document.

01:01:32 Speaker 1

Good. Thank you.

01:01:34 Speaker 1

Julie siegers.

01:01:43 Speaker 16

I agree wholeheartedly.

01:01:44 Speaker 16

Can you hear me?

01:01:45 Speaker 1

Yes, I can.

01:01:46 Speaker 16

OK, good.

01:01:47 Speaker 16

Well, I agree wholeheartedly with con putting that the photo ID, drivers license number, birthday.

01:01:54 Speaker 16

Yeah, that may restrict completely what an observer can see if they're standing behind.

01:01:59 Speaker 16

On the poll workers, which they should be able to do again, we don't care what the height, weight, what we're not going to memorize their their drivers.

01:02:09 Speaker 16

License observers won't observe or memorize these numbers, so I think it's really important to keep that in mind because the only other place that this.

01:02:19 Speaker 16

Confidential information is mentioned in this document is when it comes to 4.06 in the picture taking so.

01:02:29 Speaker 16

It's not mentioned.

01:02:30 Speaker 16

I don't think anywhere else in these rules, so we just we have to be careful with labeling this that and and then using that confidential information.

01:02:39 Speaker 16

So that might limit the the observers to see, you know, to be able to stand behind the poll workers, which definitely is something that that we have to be able to do.

01:02:50 Speaker 16

And the other thing is, is there a statute that anywhere that defines what confidential information is?

01:02:58 Speaker 16

And I'm wondering if that's an important thing because we're we're kind of just defining it ourselves, what it means.

01:03:06 Speaker 16

So I think wherever we can have a.

01:03:11 Speaker 16

We should.

01:03:11 Speaker 16

We should have that.

01:03:14 Speaker 16

Yeah, and I think.

01:03:20 Speaker 16

Yeah, and and even on the badger screen, there's, you know, if you say that that the information you know because that, that that may fall under confidential information to whatever seen on the badger screen.

01:03:36 Speaker 16

So that that we will be talking about later.

01:03:39 Speaker 16

So I just wanted to.

01:03:40 Speaker 16

Ask especially about the statute.

01:03:42 Speaker 16

If there is a statute that covers this and and then really being careful about putting photo ID and drivers license number and birth dates on here as confidential information because it may limit an observer.

01:03:55 Speaker 16

Thank you.

01:03:58 Speaker 1

So just one one comment on on that, is that a lot of these are coming from Wisconsin Statute 6.36 which limits what a municipal clerk or you know election official is able to make public from the voter registration list and this is?

01:04:05 Speaker 16

OK.

01:04:18 Speaker 1

The information that's on there, so drivers license numbers also any.

01:04:23 Speaker 1

You know, non driver's license, but still official state license issued by that agency, birth dates, Social Security numbers.

01:04:32 Speaker 1

And accommodation information and confidential electors are all part of that statute, and there are a number of other statutes that talk about confidentiality.

01:04:43 Speaker 1

That is probably the most relevant one, but it's not necessarily the only relevant one, but I'd say 6.36 is the the most relevant statute.

01:04:52 Speaker 16

OK.

01:04:54 Speaker 16

But just like the accommodation information then maybe stating that it's private information that's given at the register table at the registering table.

01:05:03 Speaker 16

Not at, you know, not one at somebody has to show their ID at the voting table.

01:05:11 Speaker 16

So just to clarify that.

01:05:15 Speaker 1

OK, thank you Lana Lee helm.

01:05:19 Speaker 11

I would just.

01:05:20 Speaker 11

Suggest that in the apparent 6 on confidential information as it.

01:05:26 Speaker 11

Refers to proof of residency documents.

01:05:30 Speaker 11

Yes, the info on the proof of residency documents might be confidential, but as an observer they should be able to know the type of document because over the years we've had people who have wanted to register using a medical bill.

01:05:48 Speaker 11

And if there's an observer you know can't see, there's a list of specifically allowable proof of residency documents and.

01:05:58 Speaker 11

So maybe you could say.

01:06:00 Speaker 11

A you know, photo ID's, comma information or personal information on the proof of residency documents, but not the type of document that I think is important for the observer to be able to see or know because often they're so far away they can't know what the type of document.

01:06:21 Speaker 11

Being used is.

01:06:26 Speaker 1

Thank you.

01:06:27 Speaker 1

Ken brown.

01:06:29 Speaker 6

Just one additional comment, if it's a situation where we have a central count and there is no voter there with ID, the observer should be in a position where they can witness what is written on the outside of the voting of the ballot envelope that is received.

01:06:48 Speaker 6

They should be close enough to see.

01:06:50 Speaker 6

That it is who the poll worker is processing and that date and be able to verify it that it also is assigned and witnessed document.

01:07:00 Speaker 6

Thank you.

01:07:01 Speaker 13

Thank you.

01:07:03 Speaker 1

David cronig.

01:07:06 Speaker 10

I just wanted to I I think.

01:07:09 Speaker 10

Maybe some of this discussion is better saved to when we get down to some of the later definitions, but just wanted to note my disagreement with the points raised by Ken and others that observers.

01:07:22 Speaker 10

Should be able.

01:07:23 Speaker 10

To look at photo ID and proof of residence type documents in real time, and I don't believe there's any.

01:07:30 Speaker 10

Such right and to be able to to do that and they do all contain confidential information.

01:07:37 Speaker 10

And there's also, I don't believe any right for observers to look at the poll book in real time.

01:07:44 Speaker 10

And the statute makes pretty clear under 636 level 1B that the poll book is open to public inspection under 1935 one and which I believe is very different than having it available for inspection in real time on Election Day.

01:08:06 Speaker 1

Thank you Robert Newby.

01:08:08 Speaker 9

What David said without opening the can of worms of discussion of observers behind the tables, this particular thing about confidential information, which appears to be regulatory or statutory information, may prohibit that.

01:08:26 Speaker 1

Thank you, Carolyn Fox.

01:08:29 Speaker 17

I thank you.

01:08:30 Speaker 17

I very much would like to keep the confidential information to our poll workers.

01:08:36 Speaker 17

Don't forget that they are sworn officers of the municipality.

01:08:39 Speaker 17

They take an oath that they will not abuse this information when we have observers coming in and able to view that information.

01:08:49 Speaker 17

We don't have any assurance of what they would do with that information.

01:08:54 Speaker 17

They're not part of the organization.

01:08:56 Speaker 17

We could see them one time and not ever see them again, so I don't feel comfortable having giving them access to that type of information.

01:09:08 Speaker 1

Thank you Debbie Moran.

01:09:12 Speaker 12

So I just have maybe that accommodation information, I don't know if anyone else when I hear accommodation, I'm thinking about you know, like what hotel we're in.

01:09:22 Speaker 12

So could we say voting accommodation information and then just to clarify that part because and then the next question is our photo ID's.

01:09:32 Speaker 12

Considered confidential information.

01:09:37 Speaker 12

The the actual picture of the person.

01:09:40 Speaker 12

Or is it the information contained in it?

01:09:45 Speaker 1

Well, you know, I don't know if that's a.

01:09:45 Speaker 7

Because they because.

01:09:48 Speaker 12

Yeah, I don't, I don't know.

01:09:48 Speaker 1

I'm sorry. You can go.

01:09:49 Speaker 12

Because no, you know, they look at, they're supposed to look at the picture and see if it resembles the person standing in front of them.

01:09:56 Speaker 12

But I didn't know that was confidential or if that was part of the public aspect of the voting process.

01:10:02 Speaker 12

So on a larger scale, this the rub here is that we have confidential information right next to the public information and observers get to see the public info.

01:10:13 Speaker 12

But they can't see the confidential, so it's really it's really a difficult situation to resolve and I'd love to hear from the clerks and the people administering how they could provide both of those provide the protection for the confidential confidential information and the openness for the public aspect.

01:10:33 Speaker 12

It's a.

01:10:34 Speaker 12

Difficult question and I see Claire would love to answer it because she's on right after me.

01:10:42 Speaker 1

All right.

01:10:43 Speaker 1

Thank you Claire Whittle blog blog.

01:10:47 Speaker 4

Well, I think I would echo the thoughts of Carolyn and David and Bob before Debbie.

01:10:56 Speaker 4

I mean, we're talking about real time viewing of information, whereas if someone was requesting someone's copy of their photo ID that we have on file, we would undoubtedly redact a great deal of information. And I also have concerns that we are confusing what the role of observation is versus.

01:11:16 Speaker 4

The role of.

01:11:19 Speaker 4

An election worker who has taken that oath and also the concerns about voter intimidation, if I, you know, I'm having to show you an ID.

01:11:30 Speaker 4

If I'm then having to hand it over for you to show multiple people behind you, it will not only slow down the process and interfere with line management.

01:11:41 Speaker 4

But also I think it could really intimidate a lot of our voters because it's involving an observer and a process that's meant to just be observed.

01:11:54 Speaker 1

All right.

01:11:54 Speaker 1

Thank you, Anita Johnson.

01:11:59 Speaker 15

Thank you.



01:12:00 Speaker 15

I agree with David, Carolyn and Claire.

01:12:04 Speaker 15

We don't need to give the observer too much power.

01:12:08 Speaker 15

They don't.

01:12:09 Speaker 15

They don't need to see all of that, and the picture on the ID is something that I show in order for the clerk to determine.

01:12:19 Speaker 15

That I am that person in the picture.

01:12:22 Speaker 15

I don't believe that the observers should be able to also see that as well.

01:12:29 Speaker 15

The poll worker will determine if I'm that person on the picture.

01:12:34 Speaker 15

Thank you.

01:12:36 Speaker 1

Thank you.

01:12:37 Speaker 1

Yolanda Adams.

01:12:40 Speaker 14

Just want to state my support and agreement for David's comments and anitas and everyone else who spoke.

01:12:48 Speaker 14

To the issue of whether the observer should be able to see the confidential information at the polling place, I do not think we need to do that.

01:12:56 Speaker 14

So just wanted to voice my support for that for that.

01:13:03 Speaker 14

For that view.

01:13:06 Speaker 1

Thank you.

01:13:08 Speaker 1

Ken brown.

01:13:12 Speaker 6

Sorry to chime in one more time, but when I go to the liquor store or to buy cigarettes or numerous other things, that person did not swear an oath not to not look at my.

01:13:21 Speaker 6

They're looking at my date of birth. I'm not saying that you have to take that person's drivers license and hand it down to all six observers that are standing behind the poll work.

01:13:30 Speaker 6

Accepts that ID holds it in such a way to verify that that face matches that person, and I as an observer and making sure that not just that person's not cheating as a voter, but also that that poll worker who may have sworn an oath.

01:13:43 Speaker 6

But I've seen, I've seen them arrested in in the in the act of being a poll worker, being arrested and hauled out because they were doing things illegally.

01:13:53 Speaker 6

I'm there as an observer to make sure the process is being handled properly as well, and hopefully because I'm keeping the poll worker honest, the poll workers keeping the voter honest and we're all making sure that everybody has that thing. We pull our drivers license and other ID's out all the time to people that are not sworn to protect our privacy. That's just a silly argument. I'm sorry.

01:14:12 Speaker 6

That's the truth. Thank you.

01:14:16 Speaker 1

Thank you, Tonya Harrell.

01:14:19 Speaker 19

Hi so Ken to.

01:14:23 Speaker 19

Respond to that.

01:14:25 Speaker 19

They may not have an oath to do so, but they do have a right to make sure that the people that they're serving are.

01:14:32 Speaker 19

Of legal age.

01:14:33 Speaker 19

And so that's to make sure that they are who they say they are and if they're not, then you could get a citation for issuing, issuing something to someone who's not supposed to get it.

01:14:46 Speaker 19

I just wanted to respond to that, but also I wanted to.

01:14:51 Speaker 19

Echo the sentiments of Caroline and everyone else.

01:14:55 Speaker 19

This is not to disrupt because that could become very disruptive.

01:15:00 Speaker 19

This is not to intimidate any election inspector or elector, but this is to just make sure that the election process is done with integrity.

01:15:11 Speaker 19

And to be that close to someone's personal information, if you are not the person that is supposed to be handling that document, but a person just observing, then I don't feel you have a.

01:15:21 Speaker 19

Right to do that.

01:15:25 Speaker 1

Thank you, Kristen Hansen.

01:15:29 Speaker 7

I I want to under score what Toya and.

01:15:32 Speaker 7

Others have said.

01:15:33 Speaker 7

We've got to remember this is election observing.

01:15:36 Speaker 7

You are there to observe, not to replicate what the poll workers are already doing.

01:15:43 Speaker 7

We're not replicating their work by scrutinizing documents, scrutinizing ideas, asking them to hand things over so you can see it closer, asking them to go like this backwards so you can see it closer.

01:15:57 Speaker 7

We are observing what they are doing, not replicating their work.

01:16:04 Speaker 1

Thank you, Julie Segers.

01:16:13 Speaker 1

Oops. And the mute again.

01:16:16 Speaker 16

OK, looks like all of you in your offices.

01:16:19 Speaker 16

If I were you right, now take out a ruler out of your desk.

01:16:23 Speaker 16

Most of us have a ruler on our desk.

01:16:27 Speaker 16

I you know, for visual my, my, my desk is much longer than three than three feet.

01:16:35 Speaker 16

We can't see the.

01:16:38 Speaker 16

All the real personal information at 3 feet.

01:16:41 Speaker 16

I mean surely do it and and just see how far that is.

01:16:45 Speaker 16

I can't see a driver's license number. What the observers want to see is that they pull out a photo ID.

01:16:54 Speaker 16

And yes, it is the job of the poll workers to make sure that it is a correct ID that is to be used for voting.

01:17:02 Speaker 16

So again, we are there just to watch, we we wouldn't, we're not even supposed to talk to the poll workers.

01:17:08 Speaker 16

So we're not even supposed to ask them.

01:17:11 Speaker 16

You know, I can't see that photo ID.

01:17:14 Speaker 16

I mean, if there's an issue, if we feel like there's an issue, we're gonna talk to the chief about it.

01:17:18 Speaker 16

But we do have the right to stand behind and watch the process.

01:17:22 Speaker 16

We wouldn't talk to them again.

01:17:25 Speaker 16

We we can't see the drivers license numbers or the birth dates.

01:17:29 Speaker 16

They're way too small on a photo ID.

01:17:31 Speaker 16

But we should be able to see that there is a picture on that ID and just to observe the process.

01:17:37 Speaker 16

So standing behind the poll, workers should not be a concern if there is transparency that is so important to us.

01:17:49 Speaker 1

Thank you.

01:17:50 Speaker 1

And I do just want to say on this topic too, there is later on on language about, you know, standing either behind the poll workers or or in front of the poll workers so that you know that that topic will be brought up separately.

01:18:03 Speaker 1

I think we've.

01:18:05 Speaker 1

You know, I do.

01:18:06 Speaker 1

I do think the Commission is, you know, understands that there's a, you know, disagreement on specifically what information can be, you know, purely confidential, can't be seen at all.

01:18:15 Speaker 1

What is part of the public aspect of the voting process and that they're going to need to, you know, decide which language covers what, you know, cannot be seen.

01:18:26 Speaker 1

At all, or what?

01:18:27 Speaker 1

You know what part of the process is viewable.

01:18:32 Speaker 1

Anita John.

01:18:33 Speaker 15

I just want to say that we need to remember how the voter feels when they come.

01:18:40 Speaker 15

In to vote.

01:18:41 Speaker 15

I would feel intimidated if I show the poll worker my ID and then I have to pass it down to anybody else after that when I go to vote.

01:18:53 Speaker 15

I even hold my own ID and I let the poll worker look at it because of COVID and I don't want to catch anything from that, so I just needed to say we need to think about the voter when we're changing these rules or clarifying these rules and regulations.

01:19:13 Speaker 15

Thank you.

01:19:14 Speaker 1

Thank you.

01:19:16 Speaker 1

I see marini's hand and I think after Debbie speaks, I'm going to move on to the the next topic.

01:19:22 Speaker 1

So Debbie.

01:19:24 Speaker 12

So I'm just reiterating this, the balance between confidential information and the public aspects of the voting process.

01:19:33 Speaker 12

We're defining confidential information.

01:19:36 Speaker 12

We're not giving any definition to the public aspects of the voting process, and I think it was raised at one point to be able to know.

01:19:44 Speaker 12

If the proof of resident document is actually an acceptable form of proof of residence without knowing.

01:19:51 Speaker 12

The detailed information inside that form and I and one experience and it's just to to poll workers aren't going to especially newer ones, know every little detail here.

01:20:03 Speaker 12

And when you sit back and observe and you see something that's not being done, you should be able to.

01:20:09 Speaker 12

What you're observing is.

01:20:11 Speaker 12

Something that could make a difference and so an example that I can remember observing at a registration table someone brought in a phone bill.

01:20:20 Speaker 12

It was sealed in an envelope.

01:20:23 Speaker 12

They never opened the envelope and they were going to accept it because her address was on there and that the name of the of the provider, the phone service provider was on the outside of the envelope.

01:20:34 Speaker 12

But the poll worker or election inspector needed to check the date and she she would have to have opened that.

01:20:40 Speaker 12

To to look at it.

01:20:42 Speaker 12

But she was just going to accept it.

01:20:44 Speaker 12

So observers do supply the confidence they can supply a confidence that the process is being followed correctly, but not if they're not able to view the public aspects of the voting process - then they're just window dressing sitting there and not really accomplishing.

[beginning of zoom transcript]

01:20:57.000 --> 01:21:14.000

Then they're just window dressing sitting there and not really accomplishing anything and I don't it doesn't make any sense no one's asking anyone to give the observers to be junior poll workers that they get to check up on everything.

01:21:14.000 --> 01:21:20.000

But when you want to look at the process in the entirety and you sit back and you watch it.

01:21:20.000 --> 01:21:33.000

You have to be able to see what you are watching in the public aspect. That's why I asked for clerks and chief inspectors to Tell us.

01:21:33.000 --> 01:21:47.000

The the different or balance the difference between confidential information and the public aspects. How can we assure that there are public aspects of voting that are observable to anyone walking into a polling place.

01:21:47.000 --> 01:22:02.000

They stick around for a little while and they're convinced that everything is running well. But when you start to give the impression that voting is private and it's only between the impression that voting is private and it's only between one individual that voting is private and it's only between one individual and voting is private and it's only between one individual

01:22:02.000 --> 01:22:09.000

and it's only between one individual and and the government officials behind the desk. Then that starts to make someone suspect something.

01:22:09.000 --> 01:22:22.000

So when it's open, there's nothing to suspect but when it's like you can't look over here what are you doing you can't look over my shoulder, you start to set it up that it seems like, what are you hiding?

01:22:22.000 --> 01:22:30.000

Why isn't just this just open and free? And so I really think I know that there's confidential information.

01:22:30.000 --> 01:22:33.000



But that's the only thing we focused on. No one's focusing on the public aspects of the voting process.

01:22:33.000 --> 01:22:41.000

I don't have a definition of that. I have a definition for all the confidential information, but nothing about what's public.

01:22:41.000 --> 01:22:51.000

And, you know, that is a, it's a tough. Thing to handle when you have confidential information, bumped up against.

01:22:51.000 --> 01:23:04.000

Public information, but that if you could solve that and balance those things. I think you would you would some of this contention might not be there.

01:23:04.000 --> 01:23:07.000

So that's my final comment on that one.

01:23:07.000 --> 01:23:12.000

Thank you. And yes, it's certainly true the definition of a public. Publicly viewable is much more.

01:23:12.000 --> 01:23:20.000

Plain and you know I'm hoping there might be comments about how to how to define that part.

01:23:20.000 --> 01:23:35.000

Once we get to that section so I am gonna move on now to designated election official so this is Some out of a catch-all it is meant simply to apply to the responsible election official at any of the observable locations.

01:23:35.000 --> 01:23:47.000

Just so that at any observable location there is someone who election observers know that they are able to talk to and know that they check in with.

01:23:47.000 --> 01:23:52.000

Just so that there is a structure. That is hopefully clear to everyone. So that's, you know, that's the intent of this.

01:23:52.000 --> 01:24:15.000

This definition. So designated election official means the chief inspector if the observable location is a polling place or the clerk or any other election official designated by a chief inspector or clerk to carry out the responsibilities of this chapter related to election observers at a facility served by special voting deputies, designated election official means the special voting

01:24:15.000 --> 01:24:23.000

deputies. Kristin Hanson.

01:24:23.000 --> 01:24:24.000

Kristin, I can't, I can't hear. There we are.

01:24:24.000 --> 01:24:27.000  
Sorry, I just forgot to lower my hand.

01:24:27.000 --> 01:24:32.000  
Oh, sorry. Yolanda Adams.

01:24:32.000 --> 01:24:42.000  
Yes, I believe there's a typo in the second sentence where it says designed. Instead of designated.

01:24:42.000 --> 01:24:43.000  
Does that.

01:24:43.000 --> 01:24:47.000  
Second. Election official design.

01:24:47.000 --> 01:24:49.000  
Yes, yes.

01:24:49.000 --> 01:24:51.000  
Thank you.

01:24:51.000 --> 01:25:02.000  
Okay, yes, thank you. Any other comments?

01:25:02.000 --> 01:25:08.000  
Okay, I'm not seeing any so I will move on to let me see.

01:25:08.000 --> 01:25:18.000  
I think I'm going to take the next 3 again. As one. So electioneering has the meaning given in statute 12.03 subsection 4.

01:25:18.000 --> 01:25:35.000  
Election official means an individual who is charged with any duties relating to the conduct of an election this is identical to the definition in that section 5 point oh 2 And inspector or elections factor means any individual appointed pursuant to statute 7.3 0.

01:25:35.000 --> 01:25:44.000  
To conduct an election. Any comments on those 3 definitions?

01:25:44.000 --> 01:25:57.000  
Not seeing any I will move on to member of the public so member of the public means any individual excluding a candidate appearing on the ballot.

01:25:57.000 --> 01:26:03.000  
Registered writing candidate for an office voted on at that polling place or other location. So I think I already see one issue.

01:26:03.000 --> 01:26:12.000

I should be saying observable location here instead of pulling place. That was just a an oversight of mine I was trying to be consistent with.

01:26:12.000 --> 01:26:21.000

Chat. With that terms or comments on member of the public. lileen newcomer.

01:26:21.000 --> 01:26:27.000

Thank you and I raised my hand too late on the last section so I just wanna jump back to election official for a quick second.

01:26:27.000 --> 01:26:29.000

Oh, okay.

01:26:29.000 --> 01:26:33.000

Just the way that it's worded, I'm concerned that some people might feel like they're charged with duties related to an election by being an observer.

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I don't know if that's a concern for anyone else, I could see somebody representing an organization as an election observer saying like, yeah, I'm here with duties related to the conduct of the election.

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So I don't know if there's like a statute or something that could be cited but that might.

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Make it more concrete with this means.

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Okay, yeah, I think also it might be possible to clarify that distinction in the definition of an observer.

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To say that an observer is not an election official. So I think that would be one possibility.

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To clarify that. David Kronig.

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Yeah, I, I agree also with Eileen's concern that she just expressed.

01:27:22.000 --> 01:27:31.000

But I just had a question about, sub 11 the very end where it says or other location.

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And that to me seems sort of big. And, you know, I'm not totally sure.

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What it means, but I think the way it's written now. It could be read so broadly to exclude a candidate.

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And who is appearing on the ballot and you know for a local race in one municipality it could prevent them from being an observer in a wholly different municipality.

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So I just think for that language and should be clarified a little bit.

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Yes, okay. I think yeah, I understand that. I think the I think that language is coming.

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Pretty directly from the statute and I think it yes I need I need to update on that other location there simply means you know, municipal clerk's office, or, you know, other place where voting can, can take place.

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Meant it's basically the definition is supposed to be covered by observable location on so I think that That is one that we should be able to, clarify to make.

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You know clear what where a candidate appearing on the ballot at a, you know, specific location, can't, you know, can't be observing, and what locations are covered.

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So I think we will make, those updates.

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Your hand maybe went down.

01:28:59.000 --> 01:29:04.000

It did. I just was I was just making sure that basically you were crossing off pulling place or other and replacing it with the observable.

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Yes, yes, it will be. Yep, that will be will be done.

01:29:11.000 --> 01:29:15.000

Any other comments on member of the public?

01:29:15.000 --> 01:29:18.000

Debbie Marin.

01:29:18.000 --> 01:29:27.000

The only question I had, it, it came up in the last meeting. People wanting to observe in the municipal clerk's office when.

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In person absentee voting was not taking place. But people were returning their absentee ballots and they wanted to be able to observe.

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So that's an observable location, but it doesn't address the time. Is it that might be in a different?

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You know a different rule a different part of the rule but i know that was something that there was some contention about observers wanting to observe the returning of absentee ballots when in-person absentee voting wasn't taking place and the clerk was saying no, you can't just come in and observe now because

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there's no voting or there's no in-person absentee voting going on.

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Oh, that. Okay, go ahead. Sorry, go ahead.

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Yes. And there are. Sorry. There later, in these rules, there are there is a, a contrast with that possibility in there.

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So that is, that the, you know, whether you can observe, that possibility in there.

01:30:21.000 --> 01:30:31.000

So that, is, that the, you know, whether you can observe, in a municipal clerk's office at a time other than, in person apps and t voting, is covered in these rules.

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Okay, thank you.

01:30:32.000 --> 01:30:42.000

So there is an option for that later, any other comments on this section?

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Okay, Yolanda Adams, your hand is up. I don't think you raised it.

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This time I just wanna make sure.

01:30:50.000 --> 01:31:06.000

So moving on to observable location means a polling place, a municipal clerk's office that is located in a public building on alternate absentee ballots site, a meeting location of a board of absentee ballot canvassers, a facility served by special voting deputies or a central count location.

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This, note here is not intended to be part of the draft rules. It is it is simply for the benefit of this discussion and central account is a possibility for counting all ballots of municipality under Wisconsin statute 5.8 6 which does not mention observers or Wisconsin statute 7.4 1.

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This is not currently in use. So possibly unfortunately, the term used to describe a board of absentee ballot canvassers has become central count.

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That is just the word that, both members of the elections commission and the public use. But it is actually a separate process from something that is called central count in the statutes which involves counting all ballots, of a municipality at a central location.

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I do not believe that any municipality currently makes use of that possibility, but it is a possibility within the statute.

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So I just wanted to make clear that when I say central count here, I'm not talking about the meeting of a board of absentee ballot canvassers, which is the one that, processes all absentee ballots.

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I also just wanted to clarify that. Eileen newcomer.

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Thank you. I just didn't see where recount locations fit into this.

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And I didn't know if it was an admission or if it was intentional that it wasn't included.

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Yes, that was intentional. I actually thought I had a note somewhere in this form for recounts as well but the the statutory language of a recount is fairly different when it comes to observers and I think it is simply a question for the commission, which they, you know, are aware.

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Will be a question whether or not Wisconsin statute 7.4 one covers, a recount, which again is not to say that a recount isn't observable because it is a public meeting.

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Just whether or not the commission can regulate it under this statute. So the language for a recount that is relevant here is 9 point oh one sub 3 which says representation and observation of the Petitioner all opposing candidates and interested persons shall be entitled to be present in person and by counsel to observe the proceedings.

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So clearly a recount is observable. Whether or not these rules can cover it, I think is a question for the commission.

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I thought that I had a a note about recounts here. 2 so that I don't know if that's an emission

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It would have been one at the top. Brandon, there might have been one at the top, but I think I got confused when I started reading further.

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That's where it was. That's where it was.

01:34:02.000 --> 01:34:03.000

Yes, okay, that's where it was.

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Under location specific requirements and it's under there somewhere. So I was curious why was that in here, but then the definite I don't know.

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So that just seemed weird to me.

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Yes, so I think very very good point. I think if you know if the commission does decide that it can regulate.

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A recount under this statute then recount would need to be added to, this definition.

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If they don't, then it would not be in this definition. So I, you know, I can't say which way that's going to go.

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I just I wanted to make a note of it. I should have had it here. I think that was just an admission.

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It should have been in this draft as a recount as an observable location. I just wanted to, you know, draw attention to the fact that it may or may not be something the Commission can regulate in this rule making.

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David Kronig.

01:34:48.000 --> 01:34:57.000

Yeah, I just wanted Yeah, and this may be something that's covered. In the location specific requirements that you were just referencing.

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But I would suggest, adding to the definition. Some time parameters. And so, particularly for a municipal clerk's office that is located in the public building, I would propose adding.

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During hours noticed for inbirth and absentee voting, and add that same language to an alternate absentee ballot.

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Yes, thank you. And I think some of those time options are addressed in the. Location specific requirements.

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Section. Julie Seekers.

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Electronic voting equipment testing is considered a public meeting as well and therefore observable and I think needs to be included in this.

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Okay, yeah, that was one of the ones, discussed at the node on the top. So it certainly is a public meeting and so it certainly is observable.

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I think it's a question of whether the commission can regulate that under this. Statute but there's no question that it is observable so it is observable as a public meeting.

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Whether or not the commission can regulate. Here I just wanted to point that out again.

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Ryan Reza.

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Yeah, I just wanted to state. Hey guys, are my opposition to adding time constraints to at least the definition portion.

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I get why having it in the specific locations is important, obviously, but if you start adding time constraints to the definition and then it's written in other areas of the rule that just can kinda the whole thing.

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So just wanted to voice that.

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Thank you. Any other comments on observable location?

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Okay. I'm gonna move on to observed. Means to hear what it means to see here or read and does not include physically handling election related materials.

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Does anyone have any comments on that section? It's meant to be fairly broad.

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So I'm not seeing any. New hands or. Okay, David.

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Sorry, Brandon, I did have a couple of here. I don't think that or read is necessary and because I think that opens up the kind of worms that we've been discussing in other areas.

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Where I don't believe that observers have the right in real time to, for instance, read the poll book or read in real time to, for instance, read the poll book or read, you know, any of the materials presented by voters.

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So I don't think that that particular verb is. Necessary. I would also say, I would propose adding, to the end of this sentence and does not include physically handling election related materials or any materials provided by the voter for purposes of registration or voting.

01:38:12.000 --> 01:38:16.000

Thank you. Debian Marin.

01:38:16.000 --> 01:38:27.000

Yeah, I, I'm, it does physically handling whatever he just described our election related materials, not if they.

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Whatever relates to elections in a written form. Is already covered under election related materials. And I'm just wondering where the words you use, see here or read.

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Did that come from the previous rule?

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I don't think that it was the definition of observe in the draft rules. That the GAB developed.

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So this would be a new a new definition and you know any of these comments can also be that you don't think this, that a line of rules should be included at all.

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Also I do want to make clear that you know if you don't, if you think it would.

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Something should simply be, you know, struck and not included, to, you know, to make that comment as well.

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Right, so I, so I like reading there, but maybe the clarification of it would be see here, read.

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The public aspects of the voting process.

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Okay, that's it. Thank you.

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Okay, thank you. Claire Woodlevoke.

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I think this is one instance where creating a definition that's universal for the polling place and central count gets to be really difficult at Central Count, there is certainly the right to read or to look at an envelope to see why it's being rejected in real time.

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So I, feel like, but I certainly agree with David that I don't think Reed should be the verb for observation in the polling place if it's you know in real time.

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So I just think maybe if we could even put an asterisk by this to come back once we get through 4 point oh 3 and what observation actually looks like in each scenario it might be helpful.

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Thank you.

01:40:16.000 --> 01:40:26.000

Yeah, thanks. I just wanted to disagree with, David and I guess Claire on the read portion.

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So in 6 45 sub one M. The poll lists that are made available at polling places are open for observers, under 7 4 one as well.

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So, I mean, potentially if we wanted to replace Reed with examine. That could be a possibility, which is what's used in 6 45 one M.

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But I just wanted to note that that is a something that observers can statutorily do.

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Yeah, thank you. And I will say that that is the main reason why Reed was, included there is, that, that exact possibility.

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Ken Brown.

01:41:14.000 --> 01:41:22.000

I would like to see read or examine remain especially as I'm as Whitelive referred to with central count locations.

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There is no reason that that information can't be read. Without touching it by observers that are are at that process as those are there.

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There are no voters in the room at the time. There's no reason that there are no voters in the room at the time.

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There's no reason that that information can't be. Verified by an observer who can see okay does say Ken Brown on the, on the envelope and Ken Brown's addresses on that envelope.

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Again, we don't have to handle it. It doesn't have to be handed down to 6 or 8 people.

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Just an observer should have the ability to see that. As it's being processed. From the envelope ballot.

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That envelope, excuse me. Thank you.

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Thank you. Robert Newby.

01:42:06.000 --> 01:42:18.000

The issue of real time maybe an important thing here in adding this. Complication to the rules.

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Bye introducing a new. Definition. There's the unclarity.

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On the read. I would be in favor of either eliminating 13 or Basically needing to spend more words.

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Clarifying if. There is a restriction on doing some reading during real time, but in other instances like simple count.

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Okay, during build time.

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Thank you. David Kronk.

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Thanks. Yeah, I just wanted to, point out an important limitation in the statute that, Ryan cited, 6 45 sub one M.

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It says the registration list maintained at a polling place may be examined by any person who is the registration list maintained at a polling place may be examined by any person who is observing the registration list maintained at a polling place may be examined by any person who is observing the proceedings under section 7 41 when such use does not interfere

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with the conduct of a polling place may be examined by any person who is observing the proceedings under section 7 41 when such use does not interfere with the pretty clearly lays out the statutory intent the legislator's intent and that it not necessarily be in real time.

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Thank you. Any other comments on Observe?

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Okay, I will. Clare will vote.

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I just add, and I don't know whether you want us to put these comments like in the chat or not.

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You, you certainly can. Yeah, if anyone wants to comment in the chat, that's absolutely possibility.

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I don't have to speak again. Okay, I would just say that I think you could. You could easily overcome this by saying observe means to see and hear and when it doesn't.

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Fear with the conduct of an election, inspect. But does not include physically handling election related materials. And that way, you know, it doesn't interfere with the election at Central Count.

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It could interfere at polling places. But it's consistent with the language and the statutes too.

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Thank you. Debbie Marin.

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So my question is this this whole idea of real time and I think someone had said, you know, that's going to bring up some more definitions.

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Like, is real time. You know, like exactly when it's happening is real time sometime when you're at the polling place or do you have to wait the next day to go to the clerk's office and look at something.

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You know what I when you say real time it makes sense that you're not going to interfere with the election process.

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We're there to support the election process. We're there to encourage people to vote and allow them to vote.

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And when we have questions, we wait until it's the proper time. But for me, that means it's in real time.

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I'm still in, I'm still in the polling place or at the central account location probably polling places more where this is happening.

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But it's real time when I'm still at the polling place or is that not the definition of real time.

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Yeah, I don't know if another definition would be. Needed for that.

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You know, I think the hope would be to you know if anything clarify what you know what can be observed you know as an election server which is you know someone who's there you know at that at that moment I think probably the confidential section and then the polling or the location specific requirements are gonna be.

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You know the opportunities to clarify those kind of specifics of you know exactly what can be you know looked at and done in a specific place by an observer.

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Ken Brown. Did you raise your hand again? Okay.

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Yes, I did. Thank you, Brandon. In the 2020 election, one of the things that happened with all of the different challenges that came up after the election and were.

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Tossed out in almost every single state and federal elections. Court was that things were thrown out because nobody made it.

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Nobody made it claim or an observation at the time that it happened. That was one of the principal reasons why they said, oh, if you were concerned about that, you should have said something at the time.

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Since we are there as observers, legally, observers, we need to make those issues.

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Available to us at the time this is why we're now looking at this 3 years after that election and going through these processes granted we've had a lot of time to look at what went wrong, what would write, etc.

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But let's make sure that as we put these rules together, which will probably stand for 20 or so years, that they're gonna hold up and observers will have the rights to make sure those elections are being run properly.

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The chief of election inspectors can do their job. The voters get well taken care of and all of the other poll workers that are there are kept honest and are also able to do their jobs effectively.

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Thank you.

01:47:18.000 --> 01:47:24.000

Thank you. Julie Seekers.

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Oops, mute.

01:47:27.000 --> 01:47:36.000

That's just the comment to see here or read. You can't see something and you know when you see something you automatically read it.

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So it's just I just I don't understand how you know what are you gonna tell an observer you know I can see it but I'm not supposed to read it.

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So. Just kind of a That's just my observation with putting those 2 words in the same sentence.

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Okay, yeah, thank you. Any other comments on observe? Or I'm gonna move on to.

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Observer. Alright, so observer means any member of the public who is present at any observable location to observe an election or the absentee ballot voting process.

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Any questions on that one?

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Eileen newcomer.

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Thank you. I liked your suggestion from earlier to make it clear that in election observer is not an election official.

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Right, yes. Okay, thank you. For reminding me there.

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David Kronink?

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Yeah, I would just propose adding something along the line. And signs in pursuing to section 7 41 and any requirements that by the designated election official.

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Okay, thank you.

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Ryan Reza.

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I guess I would sort of echo David's comment, but I think I would just shorten it to location to observe.

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I don't think you need to add. Anything on top of that.

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Thank you. Julie Seekers, is your hand up again or is that from last time?

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Ken Brown.

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Disregard Ryan took care of it. Thank you.

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Okay. Right, I'm gonna move on to organization. Means any organization represented by an observer and an observable location under this chapter and shall not be construed to be limited to political parties, candidates or campaigns.

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So this is the companion definition which would go along with either 18 or 19 or versions. I think I am gonna just do all these 3 at once.

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So 18 is representing the same organization. Means individuals who are members of the same organization. And 19 representing the same organization means individuals who identify as representing the same organization.

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This is significant because the. Designated election official can limit. Observable.

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Locations to a certain number of people representing same organization. So the definition of this word would you know impact whether you know a lot of people who you know happen to be members of one organization but weren't you know, sent by or will report back to that organization whether they all can.

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Still observe if the election official limits the total you know number of people you know, individuals identifying as representing the same organization is you know the narrower of the definitions which actually means more people could theoretically be observer so I just wanna make sure that's clear.

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And that, you know, this is, you know, this is the you know one of the one of the definitions that would affect you know how many people can be limited as observers to appear at any observable location if there is, some kind of space constraint.

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So with that, explanation if anyone has comments on 1518 or 190 please raise your hand.

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Diane Conan.

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There may be a specific reason why you have, 18 and 19 separated just for I guess somebody reading this the less they have to read you know to me it's it's lengthy already so why not combine 18 and 19 to say, means individuals who are members of the same organization or individuals who identify as

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representing the same organization. It's just minor. It's a minor comment, but, it seems very redundant.

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Okay, thank you. Yeah, and I think I wanna. Clarify again that the the intent of having both 18 and 19 was simply to you know put into language comments from the first.

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Meeting of this, of this committee. And so the, you know, the intent is really for only either 18 or 19 or an alternative to both of them, to be in the final rule.



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So there would only be one. Section in the final rule. It's just, you know, kind of looking for feedback on if it should be, you know, very inclusive, meaning it would sweep up, you know.

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Multiple members of the same political party or if it would only, you know, sweep up members of a, you know, political party if they identify that they are, you know, representing that organization.

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That day. So you know, you may be a member of an organization but aren't there, you know, for the purpose of, you know, representing that organization as an observer.

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And in that case, the first definition could exclude you. The second definition would not exclude you and it would be something that you would need to write on the sign-in form as an observer, when you sign in.

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To start. So I understand it's confusing to have 2 different you know somewhat conflicting definitions but that was the reason for it David

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Yeah, I just wanted to note, I would caution against using the term member and at least with respect to the Democratic Party of Wisconsin and I assume and this it may be similar with the Republican Party and other organizations on here that being a member has a specific meaning of like paying you know annual membership dues or something along those

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lines. And it would not necessarily be inclusive enough. And so I would propose something along the lines of representing the same organization means individuals who are Deployed, assigned, trained.

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Or otherwise identify as representing the same organization.

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Thank you and would.

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That is that comment specific to 18 or would that be, for 19 as well? It just want to make sure I'm understanding.

01:54:16.000 --> 01:54:19.000

Yeah, it would sort of be in. 19 or an alternative.

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Okay. Okay. Ryan Reza.

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Yeah, I just wanna say a hundred percent agree with David. On that member language and I'm sure other organizations will echo that as well.

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My only concern with sub 15 is recounts. In the recount section.

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Up here.

01:54:54.000 --> 01:55:04.000

405 sub 5 it does say that observers representing the same organization shall not be limited to less than one observer per processing table And I just wanna make sure if we are covering great counts.

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Under this scope of this rule that credits their council and their representatives are given priority, particularly in recounts because obviously those are the ones making the arguments before the.

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Canvassing board and all of that too. So, I just wanted to have that noted if we're using organization in sub 5 of 405 that recounts have that sort of special designation.

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Yes, just wanted to, express that I like 19. Better than 18 again for the reason that you know it's excluding the member And it is.

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You are identifying. As an observer what organization you're representing. Many of us were many hats and were members of numerous organizations.

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But we need to, Make it clear, which one we're, representing.

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As a poll observer.

01:56:31.000 --> 01:56:34.000

Okay, thank you. Yeah, I think if, the commission does opt to you know attempt to regulate the recount process here I think we will make a you know adjustments to the other sections for things like that thank you Okay, thank you.

01:56:34.000 --> 01:56:38.000

Eileen newcomer.

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Yep, this is Eileen. I did put it in the chat, but just wanted to raise up that we appreciate, the definition of organization to include, like non-partisan organizations and doesn't have to be a political party or campaign.

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And then going to the kind of the 2 competing definitions. I really appreciate you bringing this up to the group because I know this comes from some comments that were discussed last time.

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That there were people, going to observe. Identifying as individuals, but were representing or had connect like strong connections to a group.

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So I feel like this is trying to get at that. I did think that David's comments were interesting to explore about whether like who trained or organized or like assigned somebody to go to a location.

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But I also think that the regulation would be really difficult. For like the chief inspector at the polling place to do so.

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So I just don't feel like there's some tension there. And I would appreciate, the continued dialogue on it.

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Okay, thank you. Debbie Marin.

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Yes, I like, I prefer 19. I put that in the chat, but I had some questions.

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So if a person identifies as representing a particular organization, would the organization concur? That they represent that organization.

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I mean, that starts to get, you go down a rabbit hole there. And also, I think 700, and 41 says that the process is open to any member of the public.

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So you don't have to represent an organization if you want to observe as an individual citizen of the state of Wisconsin.

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You don't even have to be a qualified elector. You can go into a polling place and observe any polling place at any time for as long as you want or as short as you want.

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So I like the idea that as a citizen, you get to go in and watch the process and learn and and see for yourself.

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How the sausage is made, so to speak. But, so that would be my question because I know with election inspectors.

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The organization. Nominates people and so if someone says well I you know I was nominated II don't you know I don't want my name on their list.

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I've had clerks say to that person, well, we can't take you off.

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The organization nominated you. So you have to go back to the organization. They have to come back to us and say, we're removing that person.

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That gets really, you know, complicated. That's for the election officials part of this. But I like the fact that individual citizens can be in power to go into a polling place and individual citizens can be empowered to go into a polling place and observe on their own behalf they don't have to be empowered to go into a polling place and observe on their own behalf they don't have to represent a formal

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organization. Thank you.

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Thank you. Yeah, and I think that does get at the difference between. 18 and 19, quite well at least the, intended.

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Difference. So I think this is one of the times where I'm going to ask if anyone does have a preference between 18 or 19.

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Or another, you know, possibility that you'd like to specify if you put that in the in the chat.

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That's something that we will, you know, be, recording after this meeting and it's something that we can present to the commission kind of as data as you know who.

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And how many people are supporting which which version of these. So I think you know what Debbie was saying with you know, 19 is.

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You know, much more permissive to allow, you know, any observer to simply specify if they are representing that organization or if they are not representing any of the organization and are simply observing only as a member of the public and not as a member of an organization at all.

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So if, you know, if, those distinctions are significant to you, just put that language in the chat and feel free to suggest you know any alterations as well.

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I also will bring up at this point that after this meeting, I will leave a 2 week window for anyone on this call to submit written comments and as part of the written comments you know you could you know, cross off pieces that you don't want or add or alter language.

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And I will include all of those, written comments in the final commission materials. I think, you know, now that we've got this document in front of us, I think, any kind of, you know, edited document that you'd like to.

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Any kind of, you know, edited document that you'd like to, submit is, very easy to share with the commissioners and to incorporate into the staff memo that will be presented along with the minutes of this meeting.

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Oh, so just wanted to bring that up now. Elon Adams, your hand is still up.

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I just saw it. I don't know if that was new.

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So I'm gonna move on to 16 and 17. Posting and distribution of election related material has the meaning given in statute 12.0 3 5.

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This is very similar to electioneering, but it relates to kind of giving someone other than an election official giving information about.

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Kind of the rights of voters or the voting process in the election hearing zone. So I think nothing.

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Nothing different than what the statute says there. Ryan.

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Okay, sure. Yeah.

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I was gonna comment on 17. Unless we were. Okay.

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My first point. Under the definition of the public aspects of the voting process is I prefer if the word confidential references back to sub-six.

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Cause that's more clearly defined. And then I know in the GAB chapter 4 rule.

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The public aspects of the voting process was much more. In depth, which I know it did cover some of the other definitions that are already written out here.

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But I was just curious. Was that sort of a drafting decision on trying to get more specific with breaking down?

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Sub i from 4 gap 4.1

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Yeah, I think that that is right. Basically I think some of the definitions there were in incorporated elsewhere.

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And I think the, you know, intended contrast is that anything that is not confidential is part of the public aspect.

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So this is basically meant to be broad and in inclusive, except for, you know, confidential.

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Information which you know we certainly have of discussed already, but it's basically meant to, you know, set up that.

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That contrast. So, you know, any, comments and other alternative ways of doing that are very welcome.

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Also, Ryan, I don't know if you had, another, comment.

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No, those are my those are my only 2.

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Okay. David Kronig.

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Yeah, and this may be also folded into some of our, location specific discussions, but I think that.

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It's a word of carving out certain things. For instance, I don't believe that.

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The transport of ballots from the secure storage to polling places or central account. Should be considered part of the public aspects of the voting process and nor should the sort of physical setup of pulling places or central account.

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Thank you. Any other comments on 16 or 17?

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Julie Seekers.

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Well again, I'm just gonna voice that. I do not, I object to the photo.

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D being in the confidential, because with, you know, when you have, public aspects of the voting process and you are observing a poll worker.

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It just it's just natural to see a photo ID from 3 feet again. You can't see the details of a photo ID from 3 feet again.

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You can't see the details of a photo ID from 3 feet again. You can't see the details of a photo ID.

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So I just object using a confidential as related to photo ID being in that definition.

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Thank you. Debbie Marin.

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I just wanted to, go back to what, you know, if you go back to GAB.

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For and I know Ryan had addressed this. And they get a little specific on what the public aspects of the voting process mean the definition of that and i think in chat people were saying we need more language surrounding that which I totally agree with but I do know that they had included in here and maybe it'll come up later on, I do know that they had included in here and

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maybe I do know that they had included in here and maybe it will come up later on if I read it correctly that they included the here and maybe it will come up later on if I read it correctly that they included the opening of a polling place for prior to the commencement of voting.

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Now we doesn't doesn't mean we have to use that but in the past observers were allowed to come into the polling place before the polls were actually opened to observe.

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What did they say? The opening of the polling place. So I know that there were comments from observers that we can't get in.

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It does, they won't let us until 7 and we want to see the zeroed out machines and it was basically well once they opened the polling place after the surge of voters are done then ask them they'll have a document that shows that the machines were zeroed out.

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Just ask if you can view it if you want to do that. But like I said in the past, that was included in observable or public aspects of the voting process.

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So, yeah, there's some work that needs to be done with that part of it.

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So that's my comment. Thank you.

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Thank you. And I think some of those at least some of those are addressed in the location specific, requirements in terms of you know, viewing observers being able to view the setup of the polling place, the zeroing of the machines.

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And the beginning of that, process. So I think there is language, but if you, if you think there's any.

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You know gaps that are missing between what used to be in that definition then in any of those locations please you know very much bring that up at that discussion.

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Any other comments on any of these definitions

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Okay, so I'm going to move on just to the very, very short, EL 4 point O 2 and then I think we should take a probably just a 5 min break I do want to keep keep moving.

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But I think there should be a little bit of a break. But I'm going to do EL 4.0 2.

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Right to vote, nothing in this chapter shall be construed to obstruct or prevent a qualified elected from casting a lawful ballot.

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This was included specifically, based on Commissioner feedback at the, commission meeting. So I'm hoping to get, any comments on, you know, either expanding this.



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I will say this is a little bit of an interpretation language so if there's any other you know, shall be construed shall not be construed type of comments.

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Those, you know, those also could be safe for the end. They don't need to be brought up here.

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You know, the open discussion section is, really meant for that. But if there are any you know, kind of broad interpretive.

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You know things you'd like to see included here similar to this I think this would would also be an opportunity to to bring that up.

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David Kronig.

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Yeah, just 2 small comments. One is just I think you have a type of there, Brandon.

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Oh. Yes, it does. Yes, it does. Okay, I'll fix that.

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It says constructed instead of construed. And I would propose adding, or changing it to obstruct prevent impede or delay.

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Thank you. I like David's suggested additions, but I also want to comment that having a statement like this at the top of the rule is really important to center the voter in the conversation.

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So I really do appreciate the addition of this statement. Here.

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Okay, thank you. Thank you. Ryan.

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Yeah, I just wanted to say I do like the current definition as is. Minus that typo that.

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David pointed out Just wanted to make sure I stated that for the record.

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Alright, thank you. Any other comments on EL 4 point O 2 otherwise I think we'll do a short break.

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Debbie Marin.

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And Debbie, you're still muted.

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I was doing so good on that and I ended. I was keeping up with it. So my only comment would be, so this came from the commissioners.

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And so is there, and, and I like what Eileen had to say that, you know, it's nice to start with that.

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So can we make that EL 400, and one? Like we start it and then we go into the definitions.

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I don't know if there's a definitions might be. I mean, the way you write these things you might have to do that first but it's almost like okay before we get going here this is what we want to say and now we're going to get into the meet of it.

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Yeah. I think that's a certainly possibility. I think, you know, definitions and, you know, kind of interpretive sections, should come.

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Should come first. I don't know of any reason why one can't. Proceed the other.

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That I'm that I'm aware of at this moment at least. Ryan Ritz.

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Oh, sorry.

02:10:29.000 --> 02:10:33.000

And plus then you would you would get some Brownie points from the commissioners. Because you put it first.

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And they wanted it, right?

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Thank you. They want, you know, language with that idea at least. They didn't provide the specific language, but that was a comment from commissioners.

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Yeah, sorry to speak again on it. I was searching before I made my last comment, but wasn't able to find it in time.

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Is there any reason that the that 7 41 sub 3 language? Was not. Included an EL 402.

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Which language of 7 4 1?

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Disrupting the operation of the polling place clerk's office or alternate site under 6 8 5 5 or if they violate the election hearing statutes.

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So I think those 2 are. Brought up later on. I think the language could be.

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Yeah, it could be made to match more closely to that. Understand that comment.

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So thank you. Any other any other questions or comments on this section? Yolanda Adams.

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Yes, I was just wondering if we should include something about not only casting a lot for ballot, but something around you know the experience of going to a polling place because perhaps they're not good.

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They're not gonna be able to catch that ballot, but you know. That whole process of of going to the polling place and and, you know, learning about, you know what.

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You know what is what is all involved in that and even if they're not able to because maybe they can't prove residency or something.

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That's a fair and good experience.

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Okay, yeah, thank you. I think if you have any, you know, language along those lines that you'd like to include either now or after this meeting.

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You know, please feel free to, you know, suggest that that type of that type of addition.

02:12:36.000 --> 02:12:45.000

Any other questions or comments on this or I think we'll take a a short break.

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I'm not, seeing any. So I think we will take a break now and return at, let's say, 1130.

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And keep going and then after the next section, I think we'll probably have a lunch break after that.

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So thank you all and we will. See you back very shortly.

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Brandon, I can't hear you.

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I'm sorry, Brandon, we can't hear you. Can you check your audio, please?

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I didn't have my head set in. That's why. Okay. Can everyone hear me now?

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I saw, saw the comments that I was not. Live for volume.

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Okay, looks good. So I just wanted to say it's, now, 1132.

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So I wanted to get us back back in session. I'll wait for a few more videos to Start.

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My goal is to end at about 3 pm today. Give or take. You know, I don't want to stop discussion, but that's roughly roughly what I'm hoping for.

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But that's roughly roughly what I'm hoping for. Probably will take a lunch break after, discussing this next section, 4 point so probably a decent amount of discussion on a lot of these.

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These topics. Let me just make sure most screens are on. Looks like it. So I am going to share my screen again.

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Alright, can everyone see my screen again?

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Okay, looks like it.

02:21:51.000 --> 02:22:10.000

Alright, so starting with EL 4 point oh 3, conduct of election officials. Section one if there are no alternatives due to the physical limitations the designated election official may reasonably limit the number of observers representing the same organization who are present at any one time.

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So again, this is, coming directly from 7.4 one as a possibility, to limit the number of observers representing the same organizations.

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And just point out the, you know, no alternatives. Language here. So I'm expecting, you know, some, comments on that on that part.

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Just want to make sure that we get. You know, all, opinions on the table on that.

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David Kronig.

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Yeah, you, hit on what I was gonna raise, which is that if there are no alternative language.

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And that seems to me to be. To, give quicks and chief inspectors sort of an overly Bye, burden, what they have to meet in order to.

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Limit the number of observers, you know, what does no alternative mean? I mean that, you know, they are required to go out and, you know, rent a convention hall for every polling place.

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And you know, it seems to me that it should just read something like the designated election official may reasonably limit the number of observers representing the same organization who are present at any one time due to physical limitations of the observable location.

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Okay, thank you. Carolyn Fox.

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Thank you. I do agree. It would like to see that, language.

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Stricken that if there are no alternatives due to physical limitations but also I would like our election officials to be able to limit the total number of observers not just for those that are representing parties.

02:23:57.000 --> 02:24:14.000

You could potentially have 15 observers that they are trying to manage and I apologise if this is stated somewhere else in the document that I missed it but my my goal would be to have them the ability to limit the total number of observers.

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Whether we want to put a number on that, which I don't think is very practical. But leave it up to the chief.

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To do what is comfortable in that polling site.

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Alright, sorry about that. My zoom just quit on me and restarted. So I'm gonna share my screen again and hope that doesn't happen too many times.

02:24:55.000 --> 02:25:06.000

Oh. Okay.

02:25:06.000 --> 02:25:20.000

Alright, so I, Carolyn Fox, I did not hear, your the last of your comments, but I think as long as, our minutes taker heard them, I think we should be, should be fine that front.

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So as long as everyone else, heard, I think we're, okay. And I'll move on, but.

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I just wanna make sure that, I was the only one who had a

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Issue there and I think I was.

02:25:40.000 --> 02:25:44.000

Did you want me to repeat that for you or are we good to go?

02:25:44.000 --> 02:25:52.000

I think we're okay as long as everyone else was able to hear you.

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So youolanda Adams.

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Yes, just, coming in on the last. From the last speaker and I would think we would need to put a number on there.

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In Kenosha, I know we've had some. Election officials who would rather have none.

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No one present. At any time. So we I think we need to put a number in there if we can go.

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Down that route we need is limited to you know there's gotta be a specific number so that You know, we're all everyone around the states doing the same thing.

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But not giving that total power to. To that official.

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Thank you. And I think some of the. A specific area.

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Lists below do have numbers I think the difficulty here is the statute allows the election officials to limit based on organization and not based on total number so I think the commission is somewhat constrained on what it can issue.

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Rules for in that regard. But I think at the very least, specific numbers for.

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Specific organizations. Is a possibility and so that is represented later on but it's in terms of limiting the total number it's more difficult for the commission to do that just based on the the statutory language Christian Hanson.

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Kristin Hanson.

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Yes, I can see how this is gonna again require some real wordsmithing and balance because On the one hand, you don't want it to be where the clerk is claiming, oh, there's no room for 3 observers when in fact there is plenty of room like who's gonna make that.

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Subjective call. But the there also can't be just a number because the size of the polling places varies so widely.

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And the way that they are organized and laid out vary so widely. That there are some where even if you said the number 8 That's too many for some of these tiny cramped polling places.

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So, that's gonna be rough. But on the other hand, the other part of this is If you say you can limit the number of observers representing the same organization, there is nothing stopping someone from saying.

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Okay, well now I'm not representing that organization. Now I'm representing just myself. Because you don't have to be representing an organization to observe.

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So, that doesn't actually remove a person if you simply remove their, you know, their connection to an organization.

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So. You know, I'm, I can try to think about that and send you some actual language, but We've got, you know, on the one hand you're trying to control the chief inspector who may purposely be trying to not have observers.

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And on the other hand, you don't want an observer to simply turn around and say, well, I'm not leaving, so now I'm not representing the League of Limited voters.

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I'm suddenly just representing myself. So, I, essentially it comes back to the ability of a chief inspector to be able to control their space.

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And be the final orbiter of the condition of polling places is in But, you know, the vast difference in this, the way a polling place exists.

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Makes this hard.

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Thank you. And yes, I think this it is a difficult, area to to have good rule language for exactly that reason just the shared differences of polling places.

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Ryan Redson.

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Yeah, thanks Brandon. I just have to say I very strongly disagree with, Carolyn's comments of capping an arbitrary number of observers.

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I mean, there's no statutory authority. That the chief inspectors have to do so.

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It's specific to them limiting the same, the representatives from the same organization in 7 4 one. One thing I did also wanna comment on is there has to be some sort of standard.

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Like other other folks have mentioned here. With restricting or where that threshold is where the chief inspector restricts those individuals.

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I mean I know each polling place is different, but 7 4 one is we can significantly if there's just no standard or threshold for when they start limiting observer access.

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And then I also wanted to comment that if the chief inspector does decide to limit individuals who represent the same organization.



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It should be done in an equal fashion. Because I mean theoretically if it's taken to its end you could say well the republicans get 12 observers here and the Democrats get one that's technically limiting the numbers of observers from the same organization.

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So I just wanted to make sure that that comment was noted as well.

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Thank you. Eileen newcomer.

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Thank you. I do think that Ryan's comment about balance is important. One of the things I'm concerned about with the way that it's written is that a reasonable limit might be 0 from member or 0 people observing from an organization.

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And then it might only allow for partisan observers to be part of. The observing process.

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I know we've experienced observers going to, I think like a central account location and the chief said, oh, we don't allow nonpartisan observers.

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We only have people from the party. And so that's something I just wanna make sure it's kind of baked into the rule that that kind of conduct isn't allowed.

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I also. Have seen it work pretty well when there are too many observers at one place where they set a schedule and then you know it kind of is fair and balanced where you have so much time and then people kind of rotate out.

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I don't know if that's something that Could somehow be baked into this. But that has been a good good practice that we have seen And then finally I was wondering if somebody was not allowed to observe based on the reasonable limit.

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Would the chief inspector have to? Issue them something in writing and then report that to the elections commission.

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Kind of in the same way if somebody was removed from a polling place or How do those 2 definitions work together?

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So I would say that at least the intent of the you know removed by observer is not meant to be limited by the, you know, in the, the removed by an observer language later on is intended to be a completely separate thing from you know limiting the numbers of people representing the same organization.

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You know, I think it could end up where that you know if someone who is representing the same organization and you know states that they are and you know that it could end up being the same but i think it's not intended to be the same i'd say there's basically an article of good faith for you know members representing the

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same organization. You know, being limited in a fair manner, you know, kind of as Ryan was, you know, mentioning that it should be.

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Even across the board. And I think the definition section, we talked about earlier is also meant to protect, you know, observers representing, you know, no organization or representing, you know, not a political party, you know, an organization that is not a political party.

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So that, you know, all organizations and all individuals are treated, you know, equally under this.

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Section but I would say that it's not, nothing in these rules is requiring, you know, some kind of written, notice to someone who is, you know, not kicked out because they were disruptive but limited from observing purely due to numbers.

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So I would say if, if you think that there should be a, you know, a form and a process for that as well in these rules.

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I think that's something that would need to be. You know, comment on an addition or add an addition in the, you know, the comments for this meeting.

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I think that is something that would need to be, would need to be added.

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Okay, yeah I think I do lean towards wanting to have that be included in why somebody would be.

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Have something in writing about it because I could see it as being a way to get around. Having to complete the form by just saying.

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Oh, there's too many people here. You can leave as kind of a way to not have to do the paperwork and not have to have that level of oversight but still limit people at the polling place.

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So that's I guess that's a concern that I have at the potential loophole in this if we do not include something in writing.

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Here.

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Okay, thank you. Ken Brown.

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Thank you again. I think this is a good place for me to interject something. Part of the reason I got so involved in this as well as several other people that are on this discussion was because of the hostility that was presented against observers in the city of.

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Specifically. So for about the last 2 and a half years I made it a point on election day. February, April, August and November to go around every single all 15 different voting locations and central count and I usually hit one or 2 in Caledonia Mount Plaza which are adjacent to see how they're handling the

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situation. Approximately 2 years ago we started using the Badger books. And once that was put in place, the city of.

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Clerk has used that as an excuse why observers cannot be behind the poll workers to. To properly observe.

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So instead, she created a square approximately 8 feet behind. The the voter not the poll worker but behind the voter and restricted us in every single voting location that that was the only place we could observe from.

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And in fact, she started it, we disputed the 8 foot line. Because of COVID and she moved it up to 7 feet.

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They're willing to come a little bit closer than that, but again, we're still on the wrong side of the of the voter.

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We can't see the voters face. We can't necessarily hear them or read their lips if, if you're hearing impaired in order to do that.

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They say the restriction for that is because of the power cables can only go so far and they don't want anybody to trip over them.

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I certainly understand that. In the city of Rocene, every single voting location except one is in a gymnasium sort of a type of, of place or a cafeteria.

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So there's plenty of room to run those extension cords out, put some rubber. Blocks over the top to make sure nobody trips or if they want run them up the ceiling and then come back down over the table so that those electronic equipment can properly work and the observers could be on the right side.

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I presume our recommendation at the end of this is that we're going to maintain that 3 to 8 foot behind the pole worker, hopefully is good what we're gonna resolve here.

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And that would just automatically create that packed space if you actually did have, you know, 40 people show up who all wanted to fit in that square.

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Perimeter of the room and they jammed 14 or 15 people in an eight-foot square in the middle of the room again 8 7 or 8 feet away from the nearest table and we found that to be highly impractical because you can't really properly observe in that situation.

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So we maintain that 3 foot minimum to 8 foot maximum. I think that will just automatically fulfill that you know there's only so many people you can put behind the poll workers and then they can also be over by the, the tabulation equipment and then they could also be over at the registration table.

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Etc. So that they could be dispersed around or they could move to another nearby voting location or even another community or as someone else that suggested you know you come in for 4 h and then we'll switch out and we'll have, you know, Gladys come in and she can do the balance of the

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day. Thank you.

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Thank you. Julie Seekers.

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I'm gonna kind of piggyback off of what Ken was saying. Physical limitations can be as very subjective, especially if the chief is unfriendly to observers.

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And so I know that we talked about this at the last meeting, but we talked about floor plans and those being presented.

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The day, a few day, a day or a few days before our election so that they can be reviewed by observers and anybody else.

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Just to make sure that the that there will be because IA an observable area should be really the whole polling place the whole central account minus the what we decide as you know minus the confidential information and so I think having a floor plan or letting the observers go in before, during setup and before

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election starts. So any kind of issues can be resolved as were the placement of the observer should be.

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Thank you. Anita Johnson.

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I need to go back for clarification about the statement. How many of observers can be at the polling site from an organization and then perhaps that we should use documentation to let the Clerk know how many people are showing up.

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So, they can say, well, we only need 2 people here or we only need one person here or we only need 3 people here.

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I'm not sure that I understand what that person was saying. I don't know if that was Eileen.

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Or who it was. I just feel that if we have to start submitting paperwork for the observers, we will lose observers because Some places in Milwaukee, we're having a real hard time getting observers to the polling site.

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So maybe I mean I think could you expand on what you were talking about. I'm not real sure.

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I understood what you said.

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I think I might I might be able to clarify that I think I think what Ali and she can you know jump in as well but I think what she was saying is, only in the instance where, you know, Designated election official does limit, the number of people representing an organization.

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If there happen to be more, you know, whoever is not able to participate as an observer because of that limit.

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That the election official would give that person some kind of, you know, paperwork showing that they, you know, were not able to observe for that for that reason.

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As a distinction from being, you know, kicked out by an election official as simply being, you know, limited, limited out under the under the observer under the observer rules.

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That was my understanding of it. Eileen, if that's, if you have, you know, more nuanced add up.

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Please, feel free.

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Yes, I think, what you said is what I was attempting to say and I needed just to clarify a little bit further.

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I'm not saying that the observer or the organizer of the volunteer observers would need to provide paperwork of like how many people wear, but I am sitting in the instance where Achieve is better determines that there are too many observers at the polling place and needs to remove people because of

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that reason. There should be some documentation. For That's people where removed and why they were removed.

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Thank you.

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No, thank you.

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Did you have any other comment? I need to Okay, thank you. Carolyn Fox.

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Thank you. Just a quick, quick couple comments. I believe that, the parties can help us out here by limiting sending, just one person to a polling site or maybe doing it in shifts so that you're not putting the burden of managing that on the chiefs.

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Those of you that are observers, that's your one duty that day. Our chiefs are incredibly busy.

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And what I don't want to see is to have. More rules put on our chiefs that bog them down from doing the work that they are supposed to be doing as far as administering the elections.

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I'm not at first to the idea about filling out a form if you turn somebody away. But if we could incorporate that into the form that we already have for observers instead of having separate forms for separate.

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Situations that might be a little bit helpful too. And one last comment about approving floor plans.

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Observers sometimes I think are blurring the line between being part of the election administration and being observers.

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To have that approved by the observers in advance. Is very time consuming and it is injecting them into the.

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Election administration. More than I believe is their role. So those are those are my comments.

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Thank you. David Kronig.

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Thanks. Yeah, I just wanna echo, Carolyn's comments. I don't.

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I think that submitting 4 planes or anything along those lines is a reasonable solution. Thank you it would be far too burdensome on our clerks who are already overworked and under resourced in many instances.

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I think that having a I'm not necessarily opposed to having a simple form. And if the number of observers has to be limited.

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But again, I wanna second and the concerns about making sure that it's not burdensome on clerks or chief inspectors.

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And I did just want to quickly note, there have been a couple comments about, you know, holding chief inspectors or clerks accountable.

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There is a process for that. It's a complaint to the elections commission under 505 or 5 or 6.

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Alright, thank you. Ryan Redson.

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Yeah, thanks Brandon. I did just wanna echo, my support for the form on if they are limiting observers.

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To actually present that to the observers so that they don't you know, start.

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Go on, go berserk and I think it would also help. At least state, you know, this is the statutory authority.

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We have to do this and that generally would help. Calm situations if you're turning away people that are that are going to these sites.

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There is one other thing I wanted to. Touch on and now I cannot. Remember it.

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So I will raise my hand again if I do.

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Yeah, sounds good. And yeah, I think you know, in terms of if the commission does. Want to do a separate you know a form for this I certainly think that can be combined just to not have too many different you know pieces of paperwork so i think that seems like a a possibility to me, just to say

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that. Ken Brown.

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The, Roussein is actually the fifth largest city in the state of Wisconsin and, while she still has us on the wrong side of the voters and the poll workers, we were able to over the last couple of years put together a schematic for every single layout.

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The first time I went as an observer and realized I was in a spot where there was no place really you could observe.

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Because everything was pushed against the wall and it was at a church. We, they actually just continued using that church.

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They found another location and that place is able to be set up properly within our community to allow for observation whether they change the rules or we don't change the rules, it can be worked out.

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Once you and I was just another situation where it was a school. The rules or the, layout had been set up.



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The I went into the location they had ignored that setup and I actually called them on it they called the clerk and the clerk said no this should have been set up so that way everybody everybody's treated properly and they fixed it.

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We had some tape. I helped him set it all up and it was all good. The next time I went back, that room was also set up correctly.

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So, you know, what you do at a time or 2, Claire made the point that she's got a hundred 80 different locations and it is a long term goal but you know you do 10 this year or 10 this little election cycle or whatever you have to do you can certainly figure out a way to make them work out

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that. The observers have the access that they need to pull. Workers have the access that they need and the voters get to move smoothly through the process and everything goes really well.

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So setting up a I don't necessarily think it has to be an order or a rule but having a floor plan for every voting location in the state would certainly make a lot of sense and it would be easy to correct as needed.

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Thank you.

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Thank you. Lana Lee Helm.

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Yes, I also just wanted to chime in as a chief inspector. We have had no problems with the observers and I did like the language in this that if there are no alternatives because that does emphasize that the desire is for the observers and as somebody stated at the very beginning of this discussion, we can focus on the

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conduct. At of the observers and not on the number which might seem intimidating at first but if they are all conducting themselves.

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In a in a calm you know non intrusive manner then that is really the goal is to allow them to observe all the areas of the election and not just to number or you know to limit them as far as number.

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I would also say the idea of a floor plan at first it might sound burdensome but actually a lot of times.

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Chief inspectors that have been at the same polling place for a long time, you already kind of do that for the village to set up like we're in a church and so we do kind of do that already.

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In that way so that is something to think about and yes I do think there should be some type of an appeal process if people would be, told that they can't.

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Observe because we do know there are those. Unfortunately, inspectors that just don't want any observers and that's the unfortunate part.

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Thank you.

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Thank you. And I do wanna make one small comment on that too. Just saying that.

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Appeal process and I think, David mentioned this as well. You know, the existence of these rules and these rules, you know, you know, coming into the Wisconsin Ministry of Code, would allow, a 50 usually a 506 complaint, to be

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filed. You know, if these, if these are not being properly followed. So that that is an implication of having any, you know, rules on the books.

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Is that this that would trace back to the, complaints that can be filed with the elections commission.

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So just there, you know, there would be an explicit, appeal process, you know, if someone believed that they were, you know, denied the ability to observe who should not have been.

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So I just want to make clear that, you know, just the existence of these rules alone, would, you know, pretty much immediately, allow that, possibility.

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Julie Seekers.

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Well, filing that a complaint, will be done and dealt with after the day of election. This is something that needs to be dealt with the day of election and again on an observer where an observer is placed.

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It is their business where they're placed as a citizen and they are part of the election process. So, in receipt again, there were many instances where they wouldn't allow the observers where they wouldn't allow the observers in before to see what the floor plan or the layout was.

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So when they entered they had to argue that they couldn't reasonably observe under 7.4 one so the they had to reshift the observers which talk about and during election.

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So talk about interfering with the election, having to move observers around and then there are other there were instances too where it still wasn't good enough.

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So allowing observers, the floor plan, okay, that might be a little cumbersome before, but at least, or even going in before, and observing before they're set, well, the setups so things can be resolved, placement can be resolved before the opening of election day is much

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more reasonable than putting in a complaint once the election day is done.

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Okay, thank you. Yeah, so I think some form of you know redress that can happen.

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So I think I understand that. That comment.

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Yeah, I remembered what my comment was. It had to do with the floor plans and I know that, making floor plans for each individual pulling place is challenging because they can also, I mean, sometimes they need to switch around things if, if, you know, if you know one of the disability monitors

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comes in and they do need to change things for that purpose. But also I mean just even as a best practice, you know, central counts, recounts, those more high profile locations.

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I have to say Milwaukee was, and Claire in particular was very, very helpful in 2022, being proactive, especially at central account.

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You know, giving tours beforehand and all of that. So I just wanted to state, my appreciation for her on that, on that particular issue and also just state for the record that, you know, best practice, especially for those high profile locations.

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Giving people as much of a heads up as to the setup of of them is always preferred.

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Thank you. Eileen newcomer.

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Yep, I just wanna go back to the conversation around, having documentation for if people are turned away because they are limiting the number of observers and whether filing a formal complaint would mitigate that and I think that filing a formal complaint.

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It honestly is very burdensome in the Wisconsin and so having somebody leave because they were limited and then having to have them file a complaint.

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Just it seems like a lot when it could just be addressed. On election day and they actually might.

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By having the documentation might reduce the number of complaints from observers if it's more transparent understood why somebody is.

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Being turned away. And then I also thought that Clara made a really good comment in the chat.

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There being other reasons why it would be helpful to have this information. So if there's not enough space in a polling place.

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To accommodate the number of observers and it might also be limiting the number of our space for voters as well.

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And so there might be some accessibility related concerns with that polling place and this could be something that points to that.

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Thank you. Any other comments on this section? Don't think I see any new hands.

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Debbie Marin.

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Okay, I was waiting to see if anyone would bring this up. So, I mentioned this in the chat about if there are no alternatives to do to physical limitations.

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So the selection of the polling places. I know it is sometimes really difficult to do especially with constraints that the schools elementary schools have now said and things like that.

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I just want the idea that when you select a polling place, you keep in mind all these things and one of the things you keep in mind is enough room for observers because observers need to be there.

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Not like, well, let's find if we can get a small enough polling place where we can limit the number of observers and just deal with the voters, then we don't have to deal with the observers.

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The other issue that I'd like to just interject here is when the determination of limiting the number of observers, I know I'm going to get some pushback from organizations with national offices.

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I believe that I'm glad we're open to anyone in the world who wants to come and watch our elections.

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But if our polling places are getting filled, we have a vested interest as voters, residents, taxpayers of the state of Wisconsin, we should not be eliminated first out of state.

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Observers should be the first to go and if national organizations are using out-of-state attorneys for an example.

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Well, this might be a way for them to start training some in-state attorneys to be able to be an observer.

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So I really think that that goes to, you know, giving priority to the people who have the most to gain.

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Are the most to lose or has the most interest in this process that you could put this saying the first to go are going to be out of state people.

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And in these national elections, there's a lot of out of state observers in large municipalities.

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I run into them all the time. So, I think that might be a better way to limit or one of the considerations for limitation of observers.

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But I really also want to make sure that clerks and election officials take into account just like I did with you know the confidential information versus the public aspects of voting.

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You have to balance those 2 things and when you hear you know that someone's taking those into consideration you're like hey they're doing you know we're fair minded they're fair-minded we're all trying to just do the best we can here.

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But when it starts to be like, oh, there's no alternatives because the polling place is too small.

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I'm like, well, who decided to use this polling place then? Those are the questions that I would have and then like I said, limit the number of observers starting with out of state.

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Even out of country observers, I've run into observers that come from other countries while I'm observing.

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Thank you.

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Thank you. And I know this was a topic discussed at the first. Meeting as well of kind of having a difference between Wisconsin observers and observers, not.

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You know, not coming from, Wisconsin. And it's a more difficult point, I think, for the commission to have room making on it.

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I think it's certainly something that they can, they can consider, but the, you know, that, is another one of the staff statutory definitions of simply saying member of the public which is you know just is a very broad definition then only allowing limiting based on organization.

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So again, it just it is a more, a more limited aspect of what the what the commission is able to do.

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Yolanda Adams.

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Yes, just coming in on the last speaker. There are often times, that, smaller organizations, need to need the assistance and support of some of the national or national affiliations because There are a lot of polling places.

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And unfortunately not enough, local volunteers. And now use Forward Latino is one, Liga Unite Latin American citizens.

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We're not huge in the state of Wisconsin. So oftentimes We do rely on.

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And requests assistance from. Our national office to help with the poll observing So I would not be in favor of, excluding or Just, you know, a blanket, you know, it's got to be local first.

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Because that that works for the larger organizations but it does not always work for the smaller organizations where we need We need some help because we want to cover all the polling places.

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And there simply aren't enough volunteers from our community.

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Thank you. David Kronig.

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Thanks. Yeah, I, wanna echo. You'll on those comments and we would be opposed to giving.

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To in-state observers, you know, the majority of the democratic parties of observers always come from Wisconsin, but we also always have a substantial contingent who come from out of state and they play a vital role and particularly because we encourage a lot of our in-state folks to serve their communities as

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elected inspectors, rather than election observers. And so I think that, to the extent that their rules are gonna give priority and to, which observers, you know, should get this day when the number has to be limited.

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Giving priority to those observers who sign in as representing or being affiliated with an organization. Over those who sign in as just individuals on their on their own behalf.

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Thank you. Julie Siggers, I see your hand. I'm not sure if it's new or if it was up from 4.

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Okay.

03:01:47.000 --> 03:01:54.000

Yeah, I'd like to say one thing. Okay. Yeah, I think this, again, this physical limitations being a subjective.

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Thing. This should also pertain to not just polling places, but central count as well.

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The difference between Kenosha's central count and Racing Central Count is night and day.

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Observers are able to move around in Central Count and Kenosha and watch the processing of the ballots but in racing they're not even to come close to it.

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So again the floor plan needs to be addressed before the election doors or the counting begins even in in central count and I don't know if that means you know that that, that, there's a hotline to the clerk or, you know, after, I mean, if talking to the chief, it

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doesn't. Produce any results or you know a hotline to the clerk a hotline to the the particular party or a heart hotline to whack.

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To make sure that the rules that in 7.4 one are being observed by each pulling place as well as central count.

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Okay, thank you. Any more comments on section one here or I'm gonna move on to section 2.

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So section 2, the designated election official shall maintain an observer log and shall require observers to enter the required information under EL 4.4 one into the observer log and shall ensure that the photo ID presented conforms to the information entered.

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The designated election official shall then inform the observers how they may ask questions during the day and direct the observer to an area of the observable location established by the designated election official as an observation area.

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Observer logs will be returned to the municipal clerk after the election activities. At an observable location have concluded.

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In the municipal clerk's office just to clarify where that should. Where that should go. Comments on these, Kristin Hanson.

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I just wanna point out that when it says Photo ID conforms to the information entered.

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A person's driver's license or other ID does not have to have the current address on it.

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So if they write down their current address, it would not necessarily conform to what's on the ID, the face and the name.

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Would. But I think some clarification is required there.

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Okay, that's a that's a good point. Yes, if the commission opts to, keep the photo ID requirement for observers, which I would add is not something that's in the.

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Draft rules of the government accountability board was talked about at the last meeting but it is i'd say one of the more questionable aspects here.

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You know, something the commission is gonna need to, make a decision on one way or the other, whether observers need to show, a photo ID.

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So I just wanna, make that clear.

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Yeah, the forms that we fill out does have a box to check for the chief to say yes, I saw your ID.

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So, yeah.

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Yes. David Kronig.

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Thanks, yeah. I, am generally fine with the language here. I would just propose adding an additional sentence at the end.

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Along the lines of Designated election officials shall instruct observers that if they were Trained, assigned or affiliated with an organization, they should list that organization in the log.

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And with the candidate that sort of whatever verbs end up being used in the definition of representing the same organization could be swapped in there.

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And that's sort of my proposed solution to, some of the comments. And previously on how do you enforce the representing the same organization.

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I don't think the, designated election officials should have to do sort of affirmative enforcement because that puts them in an untenable position.

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But I think that having that affirmative instruction, could be helpful.

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Okay, thank you. Eileen newcomer.

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Yes, thank you. I like, David's comments and as a possible solution to, some of the issues that we talked about earlier.

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I also wanted to lift up, Kristin's comment. And just to say that in practice, we have seen an issue with this where an observer who lives in state had an updated their ID yet they were told by the chief that they had to put down their address that was on their ID rather than their home

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address. And so this actually led to conflict. The person was almost kicked out of the polling place because of this conflict, which just does not need to happen.

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At a polling place. And I really do think it would be better information to have the observer's current address.

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I guess I don't understand the point of having an address on if it wouldn't be follow up with that person and if you're following up with that person at their old address it doesn't really make any sense to me.

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So I would like to. I would like to see the language change to. Maybe say something about like the photo and name reasonably conform to the photo ID rather than including all the components of it.

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Okay, thank you. Ryan Redson.

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Yeah, I did want to agree, with the couple of the comments that were made on the photo ID portion.

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Just because of all of the reasons that were already stated. And I would suggest, similarly to Sorry, whoever was whoever's book last.

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That either the photo ID reasonably resumes the observer or lower the standard to just say that a photo ID was presented.

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As a possibility. And then. I was also curious kind of on the phrasing of how they may ask questions instead of just stating like who to direct questions to.

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I guess that would be a question for, staff.

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Yeah, I think the you know the intent there is basically to require election officials just to explain to observers kind of what their what their options are during the day just so that if they you know, have something they want to you know, talk to an election official about they know.

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Who to go to, and how to go and how to go about doing that. So, you know, that's that's the intent of that line.

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I think if you know I if there are better ways of phrasing that you know I think you know please you know have a have a comment on that either either now or after the after the meeting just so that that you know that intent is is clear that that's something that you know an election spectre is being required to provide to

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observers you know not in any particularly detailed ways, you know, which is why it's general language, but just so that there is a communication of, you know, where observers can go with questions during the day.

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That's really the intent there.

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Yeah. I guess my concern was, you know, like if you get to a polling place sign in as an observer and they have this how you may ask questions they'll just say well call them mean us work even if they're not at that level.

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Okay.

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I mean, I guess maybe phrasing it as like who they may direct questions to within the observable location or something like that would be helpful.

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And then my only other comments on This 403 sub 2. Is in the GAB chapter 4 rule in 402 sub 2.

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It does state that the chief inspector shall make available to each inspector. I'm assuming that was supposed to be an inspector and observer, but for my purposes, I'm gonna replace that with observer.

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Chief Inspector shall make available to each observer a summary of the rules governing election observers.

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And then I would suggest adding at that observable location. Just because I didn't see that language.

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Hmm.

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In the new draft rule.

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Yes, and I think that is something that, can and probably should be added as a requirement.

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That was in one of the notes. I talked about at the very. Beginning but I think there probably should be a requirement to have that material you know, add each polling place or you know other location to give to observers when they when they sign in so i think that is a comment we will

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you know, present to the commission for inclusion.

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Any other comments on, sub 2 I see, Christian's hand up? I'm not sure if that's from the last time.

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Bloody hell, yes, from last time again. Sorry.

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Okay, so I think I will move on to the next section. So sub 3. The designated election official shall provide each observer with a sticker, badge, or other item that identifies an individual as an observer and distinguishes observers from election officials.

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This was something talked about at the first meeting. So any comments on that section? Eileen newcomer.

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Thank you. Could they also be required to give the observer like the rules at a glance document.

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Yes, yes. So I think very similar to, Brian's last comment. I think, in addition, that we will have for the commission when they consider this is to you know, hand out the, you know.

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Rules and guidance, to election observers, on election day. So I think that is something we would include.

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Of course, the guidance is gonna have to be. Changed in you know in a number of ways after these rules are finalized but I think that you know certainly can be included.

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Somewhere in this in this section. So yes, we'll certainly will. Have that, have that comment.

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And I think yeah, so that's great. I think that would be good to include. And if possible, maybe there could be some language around like The most recent addition, I know there are times we've had observers.

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Go and the receive an addition from 10 years ago and like rules have changed since then or like the The guidance document had been updated since then.

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So it would be nice to know that at least the intention is that they're gonna have the most up-to-date version.

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Okay, yep, that makes sense. Thank you. Any other comments on subsection 3?

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Debbie Moran.

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I was just looking at, some of the, you know, the observer log, the last one where there is like language that was written.

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And. Well, I guess that can be included, but I I'm bringing up a question that.

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Organizations. Because they train observers, does that mean that anyone trained by them would be considered?

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Representing that organization or if an organization just offers training to anyone interested in learning more. Does not necessarily mean that they're affiliated with that organization.

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I'm not sure about that.

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Right, yeah, so I think that's that. Part is really gonna come down to these definitions of for 18 and 19 you know how how, you know, someone representing the same organization is, defined is really gonna be whether or not someone can be you know limited on that basis so i think you know i think

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it's really those definition sections that are gonna determine whether someone you know who's merely trained by an organization or someone who is you know identifying themselves as representing an organization, would be, you know, representing the organization under this statute.

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So I think it is those definitions that are going to. You know, either go one way or the other on that question, but it is an important question.

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For, you know, for these rules and for the the statute.

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Right, so, so to be able to say that we might need some clarification on that and instead of when it for the point, you know, for the purpose of discussion, we can hear it, but if it's put in the chat unless you read the chat, you're not going to be able to weigh in on

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it. So I just thought I would just state that so that I can weigh in on that issue of training does training equal representation of an organization.

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Okay, thank you.

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Okay, yeah, thank you. And I, so I'm not actively reading the chat. I do see it, but you know, anyone can, add to the, chat at any time.

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And that we are saving, you know, so the chat is gonna be recorded. So that is gonna be something that's presented to the Commission after this meeting.

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So anything that's in the chat. Will be you know something that's is considered at the commission meeting.

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Probably we'll do a little editing if there's, you know, non, you know, substantive comments and that kind of thing.

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But if it's a substance of comments, are all gonna be included. Julie Sigers.

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I would just like to add and I don't know if anybody said this yet so I'm sorry if I'm repeating but the rules at a glance that should be given at the time that a observer enters the polling place or central count or it can also be called a summary of rules

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governing elections should also include how observers should challenge voters and voter registrations as well as what if there's any issues with the clerk that they're having that aren't being resolved to their liking.

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So just want to include that.

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Okay, yep, thank you. Yeah, so those are, you know, definitely on the table for things that the commission.

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You know, has been asked to provide for polling places, things on challenges, very much as well.

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Eileen newcomer.

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Thank you. Just a logistical question about the notes, in the chat. It is somebody else taking the notes and like, I know sometimes it's like.

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Yes.

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I agree with so and so like as they're talking like is that kind of thing being recorded? Alongside or should we be more specific in our comments?

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So you can always be, you know, specific if you want to, you know, identify a specific comment that you agree with, but we are so this is being recorded so we have a video.

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We have someone taking taking notes and taking minutes and then we also have the chat and so we will be after this meeting basically reading through and comparing all of those.

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So, you know, I think I think it is, I think it is being recorded. I think if you want to, you know, put something in your own words, you know, taking the time to write it out.

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I think, you know, you can put that in the chat, you know, just see you can, specify, you know, each word kind of at your own pace.

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But otherwise anything that you say is being recorded on video and audio, and then we'll have a minutes document created both.

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Live and comparing with the video and audio after the fact.

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Any other comments on section 3? I don't think I see any new hands.

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Okay. I'm gonna move on to section 4. So this is kind of you know, arguably the main one of this of this rule.

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You know, this is kind of the central central piece of it. So expecting, you know, some discussion.

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I think some of the discussion that's already happened is also related to this one. So the designated election official shall establish one or more observable areas to enable observers to readily observe all public aspects of the voting process during the election without disrupting the voting process.

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An observation area shall be not less than 3 feet nor more than 8 feet from each table at which electors announce their names and addresses to be issued voter numbers or at which election officials announce the name of absentee voters.

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Not less than 3 nor more than 8 feet from the table at which electors may register to vote and not less than 3 feet nor more than 8 feet from each table at which elections vectors remake any balance.

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Before remaking any ballot, election inspectors shall announce to observers that the ballot is being remade and the reason for doing so.

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If observers are unable to hear an elector or election official stating a name or address, the election official shall repeat the name or address.

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The three-foot distance described in this paragraph shall be preferred unless it would interfere with voting activities.

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Due to the physical limitations of the observable area. So obviously this is a large paragraph. There's a lot here.

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I'll add that the third, instance of 3 to 8 feet is not found directly in the statute but is coming on comments that were received at the last meeting.

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So I just want to say that the first 2. 3 to 8 feet are directly from the statute or the third one is not but is you know a process that is specifically observable in in statues remaking ballots.



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Even though there isn't a specific distance requirement. Found in the statute. So I just wanna point out a couple of those those facts so David Croning, I think you're the first one who raised your hand.

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Thanks, yeah, I have a few comments on this section. The first is that you know the section says one or more observation areas but then do any several separate observation areas that, the designated election officials are required to create.

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I think it would be helpful to specify that the same observation area may serve to satisfy these various requirements, you know, where, you know, for instance, if it is possible to set up an observation area to view both the, checking table and the registration table that that would satisfy the requirements here.

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I also sort of coming on your comment that remaking is a separate process. I think it might make sense to split that out into a separate subsection, rather than having it folded into the rest of this.

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I also want to register my strong opposition to the last sentence that the 3 foot distance shall be preferred.

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I think the statute is clear that it is. Somewhere in the 3 to 8 foot distance and I think that we should leave it to clerks and chief inspectors to exercise their judgment as to what distance is appropriate based on the needs of their particular location without giving a preference to a particular end of the spectrum.

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Thank you. And yes, I think just the first part of the comment, the intent is that one, observable, you know, one observer area could cover all of these.

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You know, requirements. Depending on the polling place, you know, if it's possible to meet the 3 to 8 foot.

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You know, requirements below for you know the polling place you know if the polling place only has maybe 2 you know 2 relevant tables a small one that that, you know, is intended to be a, a possibility here.

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So I think we can, you know, clarify that if, needed that certainly was the intent.

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And I think I'd agree with your suggestion to break it into 2 different, pieces partly just for length and clarity.

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It wouldn't, you know, change any of the requirements. I think it's, you know, purely for clarity on that.

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So thank you. Ryan.

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I've got a couple of on this too. So in that first sentence again, I would just go back to, 7 4 one sub 3.

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I know you have disrupting the voting process in there, but also I would just add the language of not violating 12 or 3 sub 2 or 12 point oh 3 5.

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Just to references as closely to the statutes as we can. I agree with David's comments that there could be some clarification on if one of observer area, does cover all of this, then they are permitted to do so.

03:23:06.000 --> 03:23:16.000

I also agree with adding a separate subsection. One clarifying point I did wanna make in that second to last sentence where it starts with if observers are.

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At the end, I would say an election official shall repeat the name or address and then add upon request.

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Oh, okay.

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I will add that.

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Just for clarification purposes. And then I disagree with David on on removing that last sentence.

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I do think that at least a establishing a preference. That being more transparent is preferred over.

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You know over setting the box at 8 feet and you can stand behind it. Is certainly a good message to at least at least state that observers are a part of the election process as well, whether you're Republican Democrat, part of a third party group.

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Or just a citizen going in to observe so just wanted to state all of that and that's all I had

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Thank you. Karen Huffman.

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Karen, you're on mute.

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Sorry about that. I brought this up last time and I just wanted it as a small point, but, when we're remaking balance, particularly in presidential or general election and you have several at a time.

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It really is not practical to announce to anybody that you're doing it particularly if the chiefs table or the inspector's table is in close proximity to the observations or the absolute observers.

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I think it's obvious just like if somebody's registering to vote. Or voting that, it's, pretty clear when there's a ballot being remade.

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But announcing it over on top of everything else is just not practical.

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Thank you. Kristin Hanson.

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Before I, make the comments I was planning to make, I do want to push back a bit on, what Karen just said.

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I've been in places several times where it was announced that a ballot was about to be remade both at central count and at regular polling places.

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I think that's exactly why it needs to be made, both at central count and at regular polling places.

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I think that's exactly why it needs to be announced is because you don't necessarily know it, especially in some of the places.

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That are very large. Unless you happen to be observing that process at that time. You would not know that they are about to remake a ballot.

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And I think the remaking of a ballot is exactly the kind of thing I would want to observe. To make sure that you know that that's being done properly remaking someone's ballot to me is one of them.

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Most important. I don't know, most significant things that can happen. And sometimes it's because the ballot is damaged and won't go into the machine and sometimes it's for other reasons, but I find that to be something really significant and the observer should be made aware that it's about to be happening so that

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they can. Observe it. And again, I'm thinking about some of the polling places that are very large that I've been in.

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But going back to the space issue again, I do think it's it needs to be clear that, you know, maybe this is just me, but I've been in dozens of polling places.

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And it's pretty rare that you can stand in one box if that's the kind of place where they're putting a tape on the floor for you and observe everything all at the same time.

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So you would need to, you know, maybe be a little bit more careful careful to specify that a part there needs to be an observation space.

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At voter registration. At check-in and at. They absentee ballot processing section if they're if that's being done at that polling place.

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Because unless they're using badger books. The registration table is. Far away from the check-in table and you can't do both at once.

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So you, you know, if you have a clerk who's gonna say, here's your little box to stand in, you can't, you can't observe all of that at the same time.

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So it does need to be a little bit more specific in my opinion. But yeah, I guess that's That's what I wanted to say right now.

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Thank you. Yeah, I think they're, you know, certainly are. And possibilities for making some of this more.

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More specific and clarifying. I do think that the remarking is specifically observable in statues. That is why it's getting, you know, an extra extra attention.

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Here is that that, you know, when that does occur, if there is a you know, 2 election officials, you know, should be involved and there should be witnesses watching it.

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You know, just so that that's why it's getting the extra, you know, attention and language that specific process.

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Just to State that again. Robert Newby.

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I agree with David's comments in particular about the idea of Eliminated in the last sentence, which I would say should be done.

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There are issues such as lines of voters. There are voters who prefer social distancing. And there are.

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Things that in a particular situation like having multiple stations at a table where voters are coming to get their balance that would make that 3 foot preference.

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Often. I could say usually a difficulty. In addition, the commission may want to consider making it clear so that observers do not misinterpret.

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That it is the Chief Inspector that decides where in that 3 to 8 foot range the observation is it's not that the observers can be anywhere within that 3 day foot range. Thank you.

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Thank you. And I think with the last sentence, just cause there had been a couple of comments on that, I think you know, if anyone does want to write in the chat, whether or not you think the last sentence, the 3 foot.

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Distance described in this paragraph shall be preferred unless it would interfere with voting activities due to the physical limitations of the observable location.

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If you think that should be. Included. You know you can say you know keep the last sentence if you think it should be excluded you can say strike the last sentence or if you have an alternate.

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You know idea for that you can put in alternate language. I just think that that is going to be you know one of those sentences that the commission you know, could use some sort of data.

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Feedback on you know how many members of this committee want it you know want it there or not i just think it's a more you know in or out kind of question where that could be.

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Useful. So if everyone would, you know, if you have a stance on it, if it doesn't, you know, make a difference. Certainly don't need to.

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But if you do have an opinion on that one if you could just state that in the chat and I'm seeing quite a few of you doing that.

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So thank you.

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I will move on. Julie Seekers.

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Okay. I think that the 3 foot distance that the last sense that was just discussed, should be worded such as the three-foot distance described in this paragraph shall be the shortest distance that doesn't interfere with voting.

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Now, I know that that might be a subjective thing but if our main goal is to not interfere with voting and to in order to allow the observers the right to observe under the 7.4 one they should be allowed to observe at the shortest distance without interfering with the voting process.

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So that might be different than what, how the, chief or the clerk set up the, the areas.

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And you know when they when especially when when you speak about tables 3 or more 3 feet no more than 8 feet from each table.

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Then there there have been clerks that have set up the. Areas that are 8 feet from the table because they say that's the law 8 feet.

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So it gives them a lot of leeway. So if you say that it shall be the shortest distance that doesn't interfere with voting, then that seems to be the fair way to allow the observer to be able to do their job.

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The other thing I wanted to mention is, at the beginning the designated election officials show established one or more observation areas.

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Yes, I agree that it just should be. You know, one or more observation areas, you know, it, this, this would really allow the chiefs to box in people again.

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And in my opinion and the people that I represent. And in my opinion and the people that I represent, the entire, polling place and, again, I've, in my opinion, and the people that I represent, the entire, polling place and, again, I've mentioned this and central account should be observable without, you know, minus, watching somebody vote or watching,

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the details of the the, the stuff that needs to be presented at the registration table.

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The IDs and proof of residence and such. So I really believe that we need to protect the voters. Yes.

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And that's why if we say that it should be the shortest distance that doesn't interfere with voting, then I think that's fair to everybody.

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Okay, thank you. So I think we can, you know, have that have that language as a possibility in the in the comments for the commissioners.

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Karen Hoffman.

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Sorry about that. I think that was up from last time.

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Oh, sorry, I didn't see it. Carolyn Fox.

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Thank you. I just want to go on record being opposed to announcing that the chiefs are remaking a ballot.

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If the observers, if that is their, their main concern, they can certainly, have a station near where the absentee ballots are being processed and they they should be aware that that is going on.

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I wouldn't want the observers to think that What being I'm sorry that the ballot is being remade that it's announced means that we're gonna go get them if they're over at registration or somehow.

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Pull them into the process. I think this inserts them into the election administration and If they do want to observe that, they can certainly do that.

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I don't think that they should be a part of the process. And as far as the last sentence, I too would, prefer to have that removed.

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Thank you.

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Thank you. Debbie Marin.

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And Debbie, you're still muted. There we go.

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Okay, yeah, I was I couldn't find my name. Okay, so I just wanted to I don't know because I know the statute says table 3 to 8 feet from each table and it's been very you know like we've been splitting hairs on what's 3 to 8 feet from a 6 foot

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to 8 foot banquet table where the action is taking place on one end and now you're 3 feet from the opposite end of an eight-foot banquet table and they say I've fulfilled what I'm supposed to do.

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You are 3 feet and they bring out the tape measure to prove it. So I did like and later on where some of the language that you had said, Voting.

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Okay, so where did it go? I think it might be in 7. Nope. The public aspect snow.

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It's in on page 5. Okay, so if it says it remain at least 3 feet from any election process.

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So I like the term election process that's in, you know, parentheses 8 or parentheses 6 where it says readily observing all election processes.

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So maybe to define what the table is, it's the part on the table where the election process is taking place.

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And we measure from where the The the people are sitting from where the election inspector is sitting we measure 3 feet from where the procedure is happening.

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Not the end of the table where there's nothing going on and that just that just causes more problems because I've gotten those phone calls.

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So I just thought that might be a I like that language and I'd love to be able to incorporate it and I don't think it changes the statute.

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I think it just defines what we made by table. So thank you.

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Okay, yeah, so I think I understand that it's basically defining where the measurement starts at the table.



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So I think that I understand that. Diane Conan.

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So, couple of comments here. It did type something as well. We do, at our polls and my chief, election inspectors, they are, trained to when they're doing a remake to announce the name of the voter.

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And this is for challenge purposes because any voter can be challenged. So we're being as transparent as possible.

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So now they're going to remake the ballot. We do have our poll set up that observers can be in that area.

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We announced the name so the observer has the name of the voter. Now they're watching that ballot being remake and they can see.

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More than likely, cause I've, tested some distances. You can see what's being marked.

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So now they know how the voter voted and they have the name of the voter. So the privacy and the integrity of that ballot is compromise.

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I, in my opinion, if you know we need to make The whole poll basically open for observers.

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I don't have problems with that, but I am feeling an 8 foot. Separation is better for remaking ballots for the privacy of the voter.

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Again, an observer or anyone at the poll can challenge a voter and a remake ballot.

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But. This leaves it open for someone to see how that ballot is being voted. And that is my main concern with observers at that station however we do everything we can to accommodate observation so.

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I'm just very concerned about the privacy for the voter in this instance. Okay.

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Okay, yeah, interesting comment there. I think that was not something that I'd thought about I think there's an additional confidentiality issue when it comes to remaking ballots just if there's any possibility for observers to see what's being written on the ballot.

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So I think that would probably need to be added. Somewhere in here at least. You know, possibly in a definition section, for, confidentiality.

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The remaking of any, any ballots. So, thank you. Christian Hanson.

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Yeah, I would agree that even though I do think we should be aware when a valid is being remade, there needs to be something in there to say wild maintaining the confidentiality of the vote.

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Yeah, something like that. But the, again, I, you know, not to really, really parse this stuff, but.

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When you say 3 feet from the table, if you're talking about 3 feet from the edge of the table, Not taken into account the person sitting at the table.

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Now the person is the observer is potentially standing a foot away from the back of the poll worker.

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I mean, like right over their shoulder. You know, if, if I had my brothers, it would be 3 feet from the chair.

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The the poll worker is sitting in. Because you couldn't even back up to get up from the table without banging into somebody who's 3 feet behind you or 3 feet behind the edge of the table.

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So I don't know if that's where the accommodation of the 3 feet to 8 feet comes in.

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But it needs to be. You know, reasonable for the poll workers sitting at the tables that there isn't someone breathing down their naps for 14 h.

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Some things, you know, that's That could be in intimidating and and anxiety producing for anyone.

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So I don't know how you can fix that, but maybe it's 3 feet from the poll workers sitting at the table.

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I maybe that's too detailed. I'm just saying that kind of is an issue.

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Thank you. Lana Lee home.

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Hi, okay, I was just also thinking of the comment, that Diane made and obviously the way to get around that I would think is to not announce the name.

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So that the observer can see, I mean it is important when they're remaking the ballot to see, okay, you know, I.

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I filled in a bubble for this person on this ballot and that the bubble is filled in the exact same on the remade ballot and that it's not filled out differently.

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But yes, you can. Not reveal the person's name so that would be one alternative and then also announcing the remade ballots.

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Yes, there are many things that are required to be announced. During the voting process, the curbside voting, that is announced.

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Processing and absentee ballot that is supposed to be announced. And all of that is not just for the observers.

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That are there as an observer but also for those just people that are voting to see, oh, what are they doing at that table over there?

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Like in my polling place, we have the absentee ballot processing right there so that people aren't thinking, oh, they've got a stack of ballots and they're, you know, what are they doing with them?

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It just is a way for even the voter that is coming in and out. And I think that's the purpose of announcing a curbside ballot.

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That's the purpose of announcing processing absentee ballots. So that's just one suggestion there.

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Thank you.

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Thank you. Ryan Red.

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I guess in order to clarify my comment, would Diane mind if I asked her a question?

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I think you can

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Go right ahead.

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Okay, are you referring to the remaking of ballots? Of like absentee ballots when they're being processed.

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Yes.

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So to my understanding, there is no violation of a secret ballot once the information Once the envelope is separated from the ballot.

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So say you have a stack of ballots that you're putting into the tabulator. Obviously at that point the information is already separated.

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Between the envelope and the ballots and then obviously as you're putting those through it kicks back as an over vote or whatever it may be.

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Right.

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There is no identifying information on that ballot. And the inspectors obviously need to transfer votes from one ballot to the new ballot.

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So there isn't. At that point an issue. With the rights of voters to secret ballot since there is no information tying the ballot to the voter at that point.

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No, that's not correct. When a, an absentee ballot is taken to the machine to be inserted into the machine.

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The envelope is still with the ballot. It's removed from the envelope. Put in the machine.

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That's where they're reading the name from the name and the address of the boulder and so they're announcing that it spits out there's a problem.

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They fold it back up. They put it in the envelope and they take it back to the chief inspector.

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Now the chief inspector is gonna look that ballot over and determine if there's a problem with it.

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Maybe there's a small tear in it. Maybe they've spilt some coffee on it, you know, whatever the case is.

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Yeah.

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The chief inspector now needs to remake that balance. They still have the ballot with the envelope.

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So they're gonna announce they're remaking a ballot for. Mrs. Jones. At this address and now they start to remake the ballot.

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They still need to insert that ballot into the machine and they need to have the name and the address when they put that ballot in the machine.

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So this is a question now for Brandon and staff. Is that?

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Proper procedure cause those inspectors can then tie that ballot to that voter after reviewing who they voted for.

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So I might need to. Defer to our elections specialist but my basic understanding is that there is more segregation of ballots and envelopes after they are opened and that once they're open, the balance would be kind of placed in a stack and not really traceable to the to the envelopes anymore.

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At least that's my understanding of that. Processes that those are.

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And I guess. I guess more specifically my question comes down to where the name and address is announced. Because to my understanding, the process is once you were as you're reviewing the envelope for sufficiency, that's when you announce the name and address prior to opening and separating the ballot in the

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envelope.

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Yes, that is that's my understanding too. Although I think you know I still think I don't want to get too much.

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You know sidetracked on. You know some of the procedural things I think there is still a possibility if you know if there were only one absentee ballot at a polling place.

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This issue would still you know potentially be there because if it's the only if it's the only one in the stack, you know, there might still be an issue if that one needed to be remade, that it could be.

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You know, it could be seen. So I still think

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You know, being careful with the information on the ballot not being viewable if there was any possibility of it being traced to a voter.

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You know, it's an important consideration.

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Can I get and I guess I get that concern. It's just. I'm

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Again, the processing of absentee ballots is a separate issue not covered by this rule. It just varies a lot depending upon where you are.

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But At least from my understanding of the proper procedure. There is no violation. I mean, the inspectors can't even violate the right to a secret ballot.

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That's why they have to flip over the ballot when they separate it from the envelope. So I guess.

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I guess that's just more of a procedural issue. I just wanted to make sure I was addressing Eileen's, specific.

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Concern there just because In my opinion, the announcement of remaking a ballot does not also include the announcement of that voters name or have any markings on the ballot.

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Where you can tie the ballot back to the voters themselves. And nobody can violate the voters right to a secret ballot, including inspectors to my understanding.

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So.

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I just wanna quickly add just so you know maybe you're not. Aware of this procedure, but the chief inspector must also make sure that in the poll book the word remade is attached to that voter.

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So they they have to have something to know. Whose ballot is being remade. So they need that envelope to go back to the poll book to write.

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Remade in the poll book. So, you know, there is ways to identify that remade ballot.

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With the voter.

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So I think I

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I guess I'll put on the proper procedure there, but.

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Yeah, I think I think I do wanna move on, from, from the procedural questions.

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Il guess generally I just wanted to support the. The announcement of the remakes.

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Thank you. Ken Brown.

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Thank you. I did also, when Diane brought that point up. I believe that is an incorrect situation.

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I do not believe that that would have to be denoted and That ballot should be separated from the envelope.

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And then that ballot is treated as like something that's completely unattached to that envelope anymore.

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And that's been my experience in the different times that I've had to either remake a ballot or witness the remaking of a ballot.

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I don't think that situation is described as proper. So check out the details on that. The other thing, was referred to earlier, about that 3 foot 3 foot from the table.

03:50:14.000 --> 03:50:31.000

Yes, that does put the the poll worker there and their chair and the poll observer should be just looking over shoulder just like you would have if it was a if it was the teacher in your class looking over your shoulder to to kind of see what your work is without necessarily interfering with the process.

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I believe that that is what is intended so that that observer can see that that is an ID that is from the state of Wisconsin.

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It is a passport and you can get a bit of a glance at the photograph. To see, to see that that person matches the person standing in front of you and make sure that the The voter that is there is being honest and making sure that the poll worker that is there is also being honest.

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It has been reported on more than one occasion that that poll worker was telling people to show up at their particular station and they would pass them through.

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Ing who they were and that's the purpose of this observation is to make sure that those things are not happening.

03:51:11.000 --> 03:51:13.000

Thank you.

03:51:13.000 --> 03:51:17.000

Thank you. Julie Seekers. Is your hand up?

03:51:17.000 --> 03:51:25.000

Yes. Eileen put up the, election day manual procedures and one thing that is said in there is.

03:51:25.000 --> 03:51:36.000

Let's see that. Inspectors, There should be 2 inspectors, remaking a ballot.

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And, so if the observers have to be 8 feet away in watching the remake of a ballot, we have to it has to be guaranteed that there is 2 parties, you know, we making that ballot so often.

03:51:52.000 --> 03:52:01.000

And I've heard this complaint many times that there aren't, a person from each party be making ballots.

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So, if the observers knew that there was one person from each party remaking the ballot, maybe it'd be easier to accept the 8 feet away.



03:52:12.000 --> 03:52:25.000

But again, you know, the procedure from what I understand is, described to me by observers that that there is a computer generated tracking number that goes on the.

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Certificate and then as transferred to the ballot. So, separating those at a time when the ballot has to be remade seems very reasonable to me.

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So. Alright, thank you.

03:52:39.000 --> 03:52:43.000

Thank you. Eileen newcomer.

03:52:43.000 --> 03:52:52.000

Thank you. I guess my comment is that It would be great if this document complemented what is written in the different manuals like the election day manual.

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Cause I think it's important that it's followed and I think even through this discussion there seems to be some disagreement about whether.

03:53:05.000 --> 03:53:22.000

It shall be announced or not. And to me that's one of the reasons why we have observers is to see on the ground and in practice where there are variations from pulling place to pulling place or municipality to municipality.

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Thank you. Robert Newby.

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Peakers are implying that if a voter did not match the picture on the idea that that person might be challenged, I'm reading from EL 902.

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And elector has cause to challenge a person as being unqualified to vote if the challenging elector knows or suspected that any one of the following criteria applied to the person being challenged.

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The person is not a citizen of the United States. The person is not at least 18 years old. The person has not resided in the election district for the last 10 days.

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The person has a felon connection that has not been restored to civil rights. The person has been adjudicated in competence the person had voted previously on the same election.

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One of those talk about If the person's ID match their picture.

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Yeah, so that is, correct. The challenging process is coming from, part 5 of chapter 6 and then EL 9 which is merely implementing that statute so the amount of challenges limited to a certain set of things.

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However, if the, you know, Photo ID does not, you know, conform to the person they're voting.

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The election inspectors, you know, the check-in process just would not be completed.

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So that, you know, it is a requirement to show, you know, a valid photo ID and for the, you know, name to conform, and for the image to, you know, reasonably, you know, people.

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Change how they look sometimes but for the image to you know in the opinion of the election spectre match to the person so it really is on the election inspectors to enforce the photo ID requirement.

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Any other comments on this section? I think. This is probably a good time for a lunch break just because it is 10'clock so ask for any more comments on section 4.

03:55:18.000 --> 03:55:24.000

I'm not seeing any, so I think we will do a, Let's just do 25 min.

03:55:24.000 --> 03:55:38.000

And Come back at 1. 30. So we'll take a break now and come back at 1 30.

03:55:38.000 --> 03:56:08.000

So thank you and I'll see you. Back then.

03:59:31.000 --> 03:59:38.000

Okay.

03:59:38.000 --> 04:00:08.000

Oh.

04:19:35.000 --> 04:19:52.000

Brandon, if you're talking to us, I think you're still on mute.

04:19:52.000 --> 04:19:57.000

So can't hear you, Brandon. Is your earpiece in?

04:19:57.000 --> 04:20:11.000

Brandon, is your your piece in? We can't hear you.

04:20:11.000 --> 04:20:19.000

Can everyone hear me? Okay, sorry, I was talking for a while there. Alright, so welcome back, after lunch.

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So I just wanted to make note of the time right now. So it's 1 30.

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My initial plan was to end around 3. There are still quite a few sections of rules to get through.

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So I'm hoping that, I can speed things up a little bit and I'm gonna need everyone's help, just to make sure that we can get.

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Get through all of this material today. So my suggestion is that if you have a comment, that is simply agreeing or disagreeing with a previous comment if you could put that in the chat, for this meeting.

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That way we will have it recorded. It is something that can be directly presented to the you know reconcile the minutes document in the comments document but we can do that we have enough time to do that I think that might be a way of saving time so you can you know, still register, agreements

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and disagreements. We still want that feedback very much. But just to put it, in the chat instead of saying it out loud simply to save time.

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And then I think we'll need to go a little bit after free again. I think I cannot go past 4, but I think between 3 and 4 is, you know, now my, stopping point and then I would like to ask if at all possible for each member to only speak once

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per rule section and to just you know try and be as concise as possible and again i don't want to you know limit what anyone's able to say we do want your comments we want your feedback just that I am concerned about time constraints today and wanna make sure we get through everything.

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So just, you know, asking for your help on that point. So before I closed, I think Debbie Marin, you had your hand up.

04:22:10.000 --> 04:22:26.000

I saw your hand after I'd already stated. I'm going to lunch. So I want to give you a moment to talk about that subsection 4 and then I'm going to move on to subsection 5.

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Okay, thanks Brandon. Yeah, that's fine. It wasn't I just wanted to with this whole thing about.

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The. And you had mentioned that was a good point that someone had brought up that you want to make sure that there is people can't see how someone else voted.

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And, I just wanted to say that in, in statute 6.9 3 where you can challenge an absent elector from what I was told and I don't even know if my understanding is correct, but that the challenging of the absent elector takes place before you take the ballot out of the envelope.

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So once, once that person, like you check them in like they're a voter and they're an absent voter, then anyone challenging that, that's the time they challenge it.

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But after, you know, you don't challenge it before you put it in the voting machine. So I just think that maybe it's just a process thing that has to be cleaned up.

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And you know for municipalities that process absentee ballots in their polling places. Thanks. That's it.

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Thank you. And yes, that is my understanding as well that the, you know, the reading of the electors name is when the absentee ballot would be challenged at that moment.

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On when it's still in the in the envelope. Okay, I'm gonna move on to section 5.

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The designated election official shall establish an observation area behind the election specters at each table at which electors announce their names and addresses to be issued voter numbers.

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If any electronic polls are used when voters announce their names and addresses, the observation area shall be positioned to allow observers to observe the screen but if observer shall not be permitted to see the screen of an electronic poll list used to register voters.

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This is something that was, you know, discussed in quite a bit of depth at the first. At the first meeting, my understanding is that there's going to be, you know, some agreement and some disagreement with, basically including this this section.

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So I think this is another one of those areas where getting direct feedback from all of you in in the chat in a in comment would be useful.

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So I think you know if you want to state that you agree with this section want it to be included disagree with the section don't want it to be included or, you know, would agree with it if it were modified in some way.

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If you could put that in the chat, I think that would be, helpful for the commissioners on this point, just because I think this is one, where there's gonna be, you know, differences of opinion on it.

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Ryan R.

04:25:03.000 --> 04:25:13.000

Yep, generally I think it's fine. The only change I might have had is on the other on the second page.

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Changing the phrase poll list used to register voters to registration form. I think I'm not exactly 100% sure how the badgerbook system works, but to my understanding it's like a separate.

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Screen. So I guess, my suggestion would just. Phrase it and electronic registration form rather than.

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A whole list used to register voters. And then I also just wanted to reiterate, You know, there will be some concern about standing behind at the check-in table.

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But I also just wanted to restate that. Election observers do have the ability to examine.

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Pull lists. Again, that Check in screen is open to inspection. On election day under, 7 4 1.

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So I just wanted to reiterate that and I'll type whatever else I have. In the

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Thank you and I will double check with the name. I think I was trying to just use the the statutory name for Badger books, so electronic poll list.

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We will look at that and make sure that that that terminology makes sense and if it should be more specific to registration when it is used for that purpose.

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We'll add that language. So thank you. David Kronig.

04:26:40.000 --> 04:26:51.000

I'll be brief. I don't think this section should be included. I think having Observers standing behind the as the checking table could be intimidating for voters who might be concerned that, the observers will be looking at their confidential information.

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I also think it could be disruptive for election inspectors. And again, I think that there's a lot of concerns.

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And again, I think that there's a lot of concerns about the security of confidential. Materials and would reiterate what I said earlier that observers only have the right to look at the poll list.

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And when it doesn't otherwise disrupt voting operations as it says in section 6 45.

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Thank you. Julie Seekers.

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Alright, I have a couple things. So when you talk about this, it should also include central count as far as I'm concerned because again, there is a location that I'm aware of that they do not let the observers behind even though many locations do let observers behind and I think that it will provide

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transparency. Observers do not, again, they're not allowed to ask questions to the, poll workers.

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Only the chief election inspector. So I don't know how it would be an interruption.

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So The, Badger books. Almost always has just one person per Badger Buck.

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So for, for transparency, I think it's very important for an observer to be behind the table.

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Regarding those badger books because that really is part of the Wisconsin critical infrastructure and to have just one person sitting at a book is just doesn't it's just not it does not provide transparency.

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So let's see.

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Let's see what the other thing was.

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Yeah, because again, those badger books, they don't, it's not like the paper books where they get reconciled.

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The badger books don't get reconciled like the 2 papers do and that information on the Badger books gets, deleted after I think within 5 days of the election.

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So it's really important that an observer stands behind and possibly even an observer should if they would like to get information on Badger books should be provided the same training even if it's just written training on what poll workers get so they know what they're looking for on Alright, thank you.

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Thank you. And I think just so I'm understanding, I think you were commenting that instead of just electors announcing the names, it would also be when it's, a board of apps and you ballot canvas.

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There's a central count. I think that was your comment there just so I'm understanding that I think that's what you meant just so the central account the and the observers would also be able to be behind that table where the, central account announcement would happen for absentee ballots.

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Is that correct? Okay.

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Yes, that and okay, and I'm sorry too. I think watching the workers process the ballots as well because that gets done at most places in Central Count but there are some places that you can't see that.

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The observer should be able to get behind and see, be able to, they might not be able to read in detail the name, the signature of the witness, but they should be able to see that there is a signature, they should be able to see that, that it is filled out completely.

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So I that's another good reason why, again, transparency and, and, you know, fairness.

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So.

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Thank you. Carolyn Fox.

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Thank you. I agree with David. I think this should be stricken. From the voters perspective, they don't know what we're looking at on the screen.

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So as far as they're concerned it could have all of that personal information that they provided when they registered.

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Also, the chief inspectors can provide a pollbook that they can view at any time.

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And also, one last comment if this does remain. I would suggest that including confidential voters as another.

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Reason why they can't view the screen because we do have a few confidential voters here in the city.

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Thank you. Eileen newcomer.

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Thank you. I think this is assuming, observing on election day and I think we also need to make sure that it gives flexibility for setups during, in-person absentee voting.

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So I think that a clerk wouldn't want to have the observer like behind the desk. In the area.

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So I just think that it's a I would rather see it give the election official more flexibility while still maintaining that 3 to 8 foot rule.

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Thank you. Claire Woodvillevoke.

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My question is more for any clerks that use the badger books. I feel like this is a lot like the conversation we were having prior about photo IDs and whether from a 3 to 8 foot distance.

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Well, first of all, my understand is you can use the badger book to check in a voter and register a voter and most clerks aren't creating separate lines.

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So it's counterintuitive to me that we'd say that when you know you can sit behind them.

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To observe the screen but not if it's being used to register voters. What would you have them get up and walk away?

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But then also can they actually see confidential information from 3 to 8 feet? If. Someone is registering on a badger book.

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So mine's more questions rather than opinions, but it seems very similar to showing a photo ID. I mean, we've used Badger books as a test before.

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I don't think the font was so large that someone sitting 5 feet away is going to be collecting confidential information.

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Thank you. Yeah, and I, you know, as to how the polling places are used, I'm not sure that, you know, proportion of pulling places that are going to use, you know, one badger book for both purposes or have have different areas.

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I think the the difference that I'm trying to. Get it here is just that the badger books used to check and order in the information on the screen would not be You know, it wouldn't be, anything like a driver's license or a security number or any or birth date.

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But the information used to register a voter would include all of those things. So logistically, I think, you know, if it's the same badger book being used for both ones, this would certainly be very.

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Or could be Very difficult. But it's the, you know, protecting the different information that is the, the point of that last, last clause there.

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I think because it provides those logistical concerns, then I will put in my comments that I think it should be stricken.

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Ken says differently, but my understanding was for line efficiency people are not keeping separate registration tables, at least not in every election.

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Thank you. Debbie Marin.

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I just wanted to mention to Claire that I've observed when they use Badger books, they have a designated badger book just for registration and it's not the rest of them.

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So then they form 2 separate lines. They have the registration line. And then, and I see Carolyn shaking her head, but it doesn't happen in every polling place, but the ones I've observed they that then you can keep, you know, the red people that have to do same day voter registration separate from the people that

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just want to vote. And I think they do that sometimes, especially if you're gonna have large elections, to keep everything moving more quickly because registration takes a lot longer than just stating your name and address.

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Thanks, I'm done.

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Thank you. Toya Herrell.

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I just wanna say, so when you are using badger books for election day registrations, Once you've registered that person, it gives you the option to say, you know, do you wanna check them in so they can vote.

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Hmm.

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Everything's done on one. Badger book. Now we do have a location where like our faster typers, are there for registration and again, they do both the registration and the check-in at Badgerbook and at any time an election observer wants to observe that process.

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Then the chief inspector calls me. I come out, I stand next to the election observer and quietly have a conversation with them to let them know what's going on.

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Okay, thank you. Thank you for that context too. I think that's, that's helpful to understand that.

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Any other questions on section 5?

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Okay, I'm going to move on to section 6. The designated election official shall comply with the distance requirements described in subsection 4 and shall have the discretion to define the width of the observation area.

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But the width determined by the designated election official shall not prevent observers from readily observing all election processes if a greater width could have been chosen.

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Again, this is another trying to balance discretion with allowing observers to observe. David Kronig.

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Thanks just briefly. I think that the language. If a greater with could have been chosen is sort of confusing and, you know, could potentially sort of open up.

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To the argument that like the entire width of the room being used as the polling location should have been designated as an observation area.

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So I think there needs to be some sort of clarification or limiting language on, you know, what is sort of a reasonable option.

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Okay, thank you. Yeah, I think I think that could be. Tightened up in, in that definition just for, clarity if nothing.

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If nothing else. Thank you.

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Ryan.

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I thought this was said somewhere else, but I guess if we wanted to clean that up because it's, I mean, I don't really see any way that this is.

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Or who's making the decision on whether or with a wider with could be chosen. I mean, I just wanna make sure that we also clarify that the space.

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That is designated for observers is also accessible for individuals with disabilities. That includes wheelchairs as well.

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So I thought it might be in a different section.

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There is a there is a section for with that part. Yes.

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I just wanted to note that if we do change the language that that's added there.

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Okay. Thank you. Carolyn Fox.

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Just one quick note. We talked about this at the last meeting. This in essence allows the observers to roam.

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From different observation areas, which is most likely at different areas. The polling site. So. I don't I don't have any objection for observers to observe in different areas.

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I would rather that they would check with the chief. And I know it's going to be a little cumbersome, but I would.

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More prefer having them check out a one site and go to a different site because the chief is doing so many things on election day and to try and track where the observers are going and making sure that they're not talking to people and doing what they're supposed to.

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If the chief knows where that person is supposed to be. That would help instead of allowing them to roam from one site to the next to the next.

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Thank you. And I think that brings up, the next 2 sections, which I wanted to address, together, which is, you know, really right on that point.

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You know, where, where an observer can be and how much, you know, freedom they have to move about, the polling place kind of after they've checked in and after they're in, you know, one observation area.

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Assuming there's more than one. So 7 if more than, if More than one observation area is established within an observable location.

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Observer shall be able to move between all such areas without restriction but must remain at least 3 feet from any election.

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The an 8 if more than one observation area is established within an observable location, observers may move between such areas in a manner established by the designated election official.

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So these are again, contrasts. These can't both, you know, remain in the final rule.

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It really has to be. One the other or neither or a modification so i think this is another one of the spots where i'd like if everyone can comment if you support either the language in 7 or 8 or a different you know wording or version of your So I think if you could all.

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Comment for that. I think this is another one where, you know, the commissioners, you know, they don't have to make a decision based on whether a majority of, you know, committee members, you know, support any one version, but I think it would be helpful for them to know.

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You know, who and how many people are supporting each, each one of those. So if you could comment on, you know, either 7 or 8 or you know, either or your.

04:40:45.000 --> 04:40:55.000

Version and then also happy to take questions and comments on the language of either one of those either, you know, tightening it up.

04:40:55.000 --> 04:40:59.000

Improving it. Eileen newcomer.

04:40:59.000 --> 04:41:00.000

So Bryn, I just wanna make sure that my understanding of what 7 is saying is correct.

04:41:00.000 --> 04:41:23.000

Because I know there had been some discussion last time, but just about like letting observers like roam around kind of freely but then not crossing the 3 foot line and when I'm understanding 7 to be like there's maybe 3 designated locations that are like marked off.

04:41:23.000 --> 04:41:32.000

And then people could move from like location A to location B and not spend a lot of time, you know, between locations but like would have the rain too.

04:41:32.000 --> 04:41:37.000

Go from location A to location B without checking in with the. Chief.

04:41:37.000 --> 04:41:44.000

Yes, that is exactly correct. So that is the intent of, 7, would be for, you know, a very free ability to move between.

04:41:44.000 --> 04:41:55.000

The set locations, so long as the observer doesn't, you know, in any instance get closer than 3 feet to.

04:41:55.000 --> 04:42:01.000

One of your elections processes, but I think you summarized it exactly as I'd intended it.

04:42:01.000 --> 04:42:05.000

Okay, thank you.

04:42:05.000 --> 04:42:10.000

Carolyn Fox.

04:42:10.000 --> 04:42:12.000

I think your hand went down.

04:42:12.000 --> 04:42:13.000

Yeah, no comment.

04:42:13.000 --> 04:42:15.000

Okay. David Kronig.

04:42:15.000 --> 04:42:21.000

Yeah. I just want to, uplift Carolyn's comment on the last section.

04:42:21.000 --> 04:42:36.000

I think the Language at 7 without restriction opens the door to observer is just sort of free roaming around the polling glaze ostensibly between observation areas but not really and that could be very disruptive.

04:42:36.000 --> 04:42:39.000

And I support 8 as written. Thank you.

04:42:39.000 --> 04:42:49.000

Thank you. Any other comments on 7 and 8? Debbie Marin.

04:42:49.000 --> 04:43:00.000

Okay. What I like about 7 and I put it in there that I support it. What I like about it is the sense of camaraderie or the sense of an open.

04:43:00.000 --> 04:43:07.000

We're getting along with each other. We're, you know, we're working together to have a good election process.

04:43:07.000 --> 04:43:23.000

As opposed to having to do the mother May I move. I'll do that and I've done that where I definitely follow exactly what I'm told, but it would be nice to be, you know, kind of move over and.

04:43:23.000 --> 04:43:31.000

And. Hopefully observers can learn. That's the way you participate in this process. It's not going to be this rigid.

04:43:31.000 --> 04:43:36.000

Because then it looks like you're not really welcome here. We really don't want you.

04:43:36.000 --> 04:43:39.000

We're just putting up with you. Thank you.

04:43:39.000 --> 04:43:46.000

Thank you. All right, any other comments on 7 or 8? Clare will vote.

04:43:46.000 --> 04:43:57.000

I would just briefly say that I think if you removed the words without restriction, I think without restriction implies that an election official can't impose any restrictions.

04:43:57.000 --> 04:44:11.000

Like not interfering with the line or, you know, I've asked that if you move from area to area with efficiency that they would say well you're restricting me so I think if you just mix that.

04:44:11.000 --> 04:44:19.000

The chief inspector can still maintain control and observers are still feeling like they can move about and are welcomed with.

04:44:19.000 --> 04:44:21.000

To Debbie's point.

04:44:21.000 --> 04:44:28.000

Thank you. Any more comments on 7 or 8?

04:44:28.000 --> 04:44:40.000

Okay, I'm going to move on to 9. The designated election officials shall position the observer area to minimize.

04:44:40.000 --> 04:44:45.000

And this is gonna be, you know, more or less possible depending on the polling place, but.

04:44:45.000 --> 04:44:53.000

You know, as they're able. Any comments on 9?

04:44:53.000 --> 04:45:01.000

Okay. I'm gonna move on to 10. All observation areas shall be accessible to observers with disabilities and shall include sufficient space for mobility equipment chairs or other disability aids brought by the observer.

04:45:01.000 --> 04:45:19.000

This is I think speaking to Ryan's comment, from before. Any comments on 10?

04:45:19.000 --> 04:45:20.000

Eileen newcomer.

04:45:20.000 --> 04:45:40.000

Thank you. Just a quick comment. I like that this is included in here. And There should be something either in writing or as part of the training associated with this that makes it clear that whole workers should not be asking people to prove a disability.

04:45:40.000 --> 04:45:44.000

Okay, thank you.

04:45:44.000 --> 04:45:50.000

Any other comments for 10?

04:45:50.000 --> 04:46:05.000

Okay. I will move on to 11. The designated election official shall permit observers access to any unused chairs available within the observable location and with unrestricted access to restrooms if available at the observable location.

04:46:05.000 --> 04:46:14.000

Debbie Marin.

04:46:14.000 --> 04:46:21.000

And you are still on mute, Debbie.

04:46:21.000 --> 04:46:22.000

There we go.

04:46:22.000 --> 04:46:23.000

Oh, I'm sorry. I thought I clicked on it. I clicked on it, but it didn't take.

04:46:23.000 --> 04:46:41.000

Okay, so I could probably put these 2 things together. So the impact of these issues on the size of your observation area because now if it's, you know, we're talking about the width and the length and all that kind of stuff.

04:46:41.000 --> 04:46:51.000

I mean, these are going to impact that. Do we need to incorporate that with N? The 3 feet or will that expand it to you know beyond the 3 feet?

04:46:51.000 --> 04:47:00.000

And that, and it can go for the mobility equipment. I know that there was something down in was seen with that van that they couldn't get.

04:47:00.000 --> 04:47:06.000

Yeah, a voter couldn't get in with their mobility equipment. But if we're doing this now for observers as well.

04:47:06.000 --> 04:47:09.000

That's going to impact space, the space issue once again. And the same thing with the chair, the chairs.

04:47:09.000 --> 04:47:17.000

So I'll just put that out there. Thanks.

04:47:17.000 --> 04:47:21.000

Thank you. David Kronig.

04:47:21.000 --> 04:47:36.000

Yeah, I just have 2 quick things I wanted to raise on 11. I think it might be worth specifying, sort of the universe that we're considering with respect to unused chairs.

04:47:36.000 --> 04:47:44.000

Like does this require election inspectors to go like scour around the church basement for instance for any unused chairs.

04:47:44.000 --> 04:47:57.000



And the second thing is instead of unrestricted access to restrooms, and with I fully agree that observers should have access to restrooms, but I would propose saying, with the same access.

04:47:57.000 --> 04:48:06.000

To restrooms as that available to election officials with any reasonable restrictions necessary to ensure smooth operation of the observable location or security of the building.

04:48:06.000 --> 04:48:22.000

Housing the observable location. And reason being, you know, if it's like in a school, I think it's reasonable to have some sort of restrictions to ensure, you know, the safety of the students.

04:48:22.000 --> 04:48:26.000

Thank you. Ryan Redson.

04:48:26.000 --> 04:48:28.000

Yeah, I was pretty much I mostly agree with David's point about the unrestricted language in there.

04:48:28.000 --> 04:48:39.000

Just being sensitive to the different locations that pulling places serve. However, I would probably cut Get off.

04:48:39.000 --> 04:48:54.000

At. The same access that's given to the election officials. Just because obviously things can air polling places can be in pretty sensitive.

04:48:54.000 --> 04:49:02.000

Location. So. That's all I had to say about that and then the unused chairs.

04:49:02.000 --> 04:49:06.000

I mean.

04:49:06.000 --> 04:49:16.000

I don't know if unused is the right word there, but you could say, you know, just at least having chairs available for observers is very, very important.

04:49:16.000 --> 04:49:27.000

Yeah, I will. Make one comment on the unused chairs part. So I think Part of that is meant to, you know, so that part of 10 is meant to allow anybody who needs to bring a chair to bring it to be able to bring their own.

04:49:27.000 --> 04:49:37.000

11. So I did talk to, Barbara Becker who was not able to be at this meeting.

04:49:37.000 --> 04:49:49.000

She suggested, that instead of this language to include a section where if a observer contacts a, you know, municipality.

04:49:49.000 --> 04:49:52.000

At a certain point in advance that they need a chair provided. That they would have the ability to do that.

04:49:52.000 --> 04:50:01.000

You know, I'm not taking a position on that comment, but that was her. Suggestion is to add language.

04:50:01.000 --> 04:50:02.000

To that effect basically that someone can ask for you know a chair as an accommodation. To be provided.

04:50:02.000 --> 04:50:14.000

Rather than you know, kind of relying on whether or not there are. You know, chairs in use.

04:50:14.000 --> 04:50:21.000

I agree that unused is a, Probably a little bit vague for this kind of.

04:50:21.000 --> 04:50:27.000

Rule. Julie Seekers.

04:50:27.000 --> 04:50:32.000

Okay, I would like to see it worded the designated election official shall not deny observer access to restrooms or chairs in any observer area to sit in.

04:50:32.000 --> 04:50:43.000

Something to that effect.

04:50:43.000 --> 04:50:47.000

I know that, you know, I know that there is really not a law regarding bathrooms and chairs.

04:50:47.000 --> 04:50:52.000

But most of these are public places paid by public taxes and I know it's election day but it's still a public area.

04:50:52.000 --> 04:51:05.000

So, you know, if available to the poll workers, the observer should have equal treatment in that respect.

04:51:05.000 --> 04:51:10.000

It shouldn't be assumed that everyone doesn't have like a colostomy bag or a kind of a hidden disability that requires them timely access to restrooms.

04:51:10.000 --> 04:51:22.000

It's just a humane thing to do and could potentially fall into the 4 point or I'm sorry, 403.

04:51:22.000 --> 04:51:28.000

Parentheses ton for accessibility to those with disabilities and that's my comment.

04:51:28.000 --> 04:51:32.000

Thank you. Ken Brown.

04:51:32.000 --> 04:51:40.000

I'm most pleased at this particular 2 issues are in this. In this procedure that we're going through today.

04:51:40.000 --> 04:51:49.000

I was the reason we wrote this was brought to our attention. There was 2 82 year old people that came in to be observers at a very large gymnasium.

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They were placed in the middle. They were told they had to bring their own chairs and I knew that right around the corner there was actually a whole rack of chairs that were available.

04:51:57.000 --> 04:52:02.000

I called the principal at the school. He said absolutely we'll be happy to bring him over. Brought him over.

04:52:02.000 --> 04:52:07.000

The chief inspector there says, I refuse to accept those chairs to be delivered here because I have spoken.

04:52:07.000 --> 04:52:08.000

The same 2 older people were not allowed to use the bathroom which was just outside the gymnasium.

04:52:08.000 --> 04:52:27.000

Could have been walked out with the chief inspector. She refused to do it. This has been going on for 6 different election cycles with this very same person and I have a similar situation across town that the other one is a slightly different situation in that the bathroom is downstairs.

04:52:27.000 --> 04:52:33.000

So anybody with a disability could not necessarily have that access. Although you actually have to climb up the stairs.

04:52:33.000 --> 04:52:36.000

I think to get, no, you can't get into the building, but you can get into the bathroom.

04:52:36.000 --> 04:52:43.000

Without using the stairs but any of the poll workers that are there and observers there's no reason they couldn't be.

04:52:43.000 --> 04:52:49.000

That school I contacted the principal a week before the election and he was absolutely delighted more than happy to provide additional chairs that would be there.

04:52:49.000 --> 04:53:00.000

They delivered the additional chairs. The chief inspector there rather than make those chairs available, she put tape around them and made and used those to create her, her queue line for people to have to walk around.

04:53:00.000 --> 04:53:20.000

Absolutely deliberately misusing that that material which again is paid for by the taxpayers whether they're there to vote or whether they're it's an public school which it was the situation so I think it's very imperative that we make sure that we have availability if somebody wants to bring their own share that's fine but in most of these

04:53:20.000 --> 04:53:24.000

communities, these are in a public building that has additional folding shares that could be brought out and accommodate those people.

04:53:24.000 --> 04:53:37.000

So thank you very much for putting this in and please support me in encouraging the WEC to make this part of our rules that everyone should have to follow.

04:53:37.000 --> 04:53:43.000

It's just a common courtesy to allow a chair and a bathroom for people who want to observe at the process.

04:53:43.000 --> 04:53:49.000

Thank you. Anita Johnson.

04:53:49.000 --> 04:54:01.000

Hi, all I can say Ken is wow. I would say at least 2 to 3 designated chairs should be set up.

04:54:01.000 --> 04:54:05.000

For the observers when they. And if they need more chairs later, then they can do it.

04:54:05.000 --> 04:54:14.000

I know the chief has a lot to do, but if they could up 2 or 3 chairs that are already there.

04:54:14.000 --> 04:54:21.000

You don't have to worry about it. They can say this is the area that you go to.

04:54:21.000 --> 04:54:26.000

To me, I think it would be much better for them.

04:54:26.000 --> 04:54:34.000

Thank you. Any other comments on 11?

04:54:34.000 --> 04:54:35.000

Okay.

04:54:35.000 --> 04:54:44.000

I have one more. That's okay. Well, just, when it says at the end, Let's see chairs available within the observable location and with unrestricted access to restrooms if available.

04:54:44.000 --> 04:54:59.000

I don't ever ever know of a location where there's a. I don't ever ever know of a location where there's voting that, restrooms aren't available Thank you.

04:54:59.000 --> 04:55:02.000

Okay, thank you.

04:55:02.000 --> 04:55:22.000

Alright, I'm gonna move on to 12. The designated election official. Of any observable location that is unable to accommodate the observation areas as described in subsection 4 shall record the reason the requirements were not met and shall send a copy of that record to the commission within 7 days of the election for which the observable

04:55:22.000 --> 04:55:26.000

location was active.

04:55:26.000 --> 04:55:33.000

Any comments on section 12?

04:55:33.000 --> 04:55:36.000

Debbie Marin.

04:55:36.000 --> 04:55:41.000

I just have a quick question for what purpose.

04:55:41.000 --> 04:55:44.000

For what purpose is this is this section here? I think it's

04:55:44.000 --> 04:55:49.000

Yeah, why are they doing all that paperwork? What's gonna happen with it?

04:55:49.000 --> 04:55:54.000

I really think you know this is a something that was in the last rule and I think just so that the commission is aware.

04:55:54.000 --> 04:56:10.000

If you know, polling places aren't able to you know, accommodate the observation areas and so that you know basically for public public awareness of that of that fact.

04:56:10.000 --> 04:56:21.000

Okay, so when they send it to the commission within 7 days Well, I'd be able to go on the web website and read these reports, these records.

04:56:21.000 --> 04:56:24.000

You know that's, I mean, it's a possibility to post all of them.

04:56:24.000 --> 04:56:31.000

I mean, certainly it would be available as a public record request. You know, it's an easily identifiable record.

04:56:31.000 --> 04:56:38.000

So I'd say, you know, posting is a possibility. A public record request would be absolutely a possibility.

04:56:38.000 --> 04:56:43.000

So either, are, possibilities.

04:56:43.000 --> 04:56:51.000

Okay, so I guess for me, I'm just trying to understand the purpose of that if it's to be used for some end result.

04:56:51.000 --> 04:56:57.000

Otherwise it's going to be a lot of extra reporting. Of just stuff. I don't know.

04:56:57.000 --> 04:57:03.000

Maybe, there is something that I don't understand. But that was just my question on that one, the purpose of it.

04:57:03.000 --> 04:57:04.000

Thank you.

04:57:04.000 --> 04:57:11.000

Okay, yep, thank you. And yeah, certainly, you know, a comment that something is unnecessary is valuable to the to the commission.

04:57:11.000 --> 04:57:16.000

Any other comments on 12?

04:57:16.000 --> 04:57:22.000

Julie Seekers.

04:57:22.000 --> 04:57:26.000

Oh, you're muted.

04:57:26.000 --> 04:57:33.000

I'm sorry, can we go back to number 9? I kind of have the same question on number 9. I couldn't have the same question on number 9.

04:57:33.000 --> 04:57:35.000

I really don't understand. I have the same question on number 9. I really don't understand.

04:57:35.000 --> 04:57:36.000

I didn't get a chance to read it because we went over that too quickly as far as I'm concerned.

04:57:36.000 --> 04:57:37.000

The about the designated election official. What does it mean? What does it mean to minimize contact between observers and voters? What does it mean?

04:57:37.000 --> 04:57:49.000

The, about the designated election official. What does it mean? What, what does it mean to minimize contact between observers and

04:57:49.000 --> 04:58:05.000

Yeah, I mean, I think the purpose of that was the first meeting there were a number of comments that if Observation areas are placed kind of in between voters coming to you know present their information to election officials that there can be just a lot of contact.

04:58:05.000 --> 04:58:14.000

Initiated that doesn't need to be that could be avoided if they were placed consciously to avoid that contact.

04:58:14.000 --> 04:58:22.000

And that you know voters are likely to, you know, say hello to people they know, voters might be confused about who's an election official and who's an observer.

04:58:22.000 --> 04:58:30.000

It's really just meant to, you know, if possible, minimize that, contact and to, you know, have this as something that.

04:58:30.000 --> 04:58:37.000

Election officials need to consider when they're positioning the observable locations. So that's, that's the intent of it.

04:58:37.000 --> 04:58:43.000

But you know, it's certainly not. One of the most critical. Lines in, in this document.

04:58:43.000 --> 04:58:51.000

Yeah, I think that's covered in so many other, you know, we got the 3 3 to 8 feet thing and You know, I just don't even think 9 needs to be.

04:58:51.000 --> 04:58:55.000

I think that could be totally scratched as far as I'm concerned.

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Yep, we can, you know, certainly present that.

04:59:00.000 --> 04:59:07.000

Any other comments on 12?

04:59:07.000 --> 04:59:21.000

Okay. I'm gonna move on to 13. Election officials shall permit observers to observe absentee ballots certificate envelopes that have been rejected in a manner established by the designated election official.

04:59:21.000 --> 04:59:27.000

Any comments on 13? David Kronig.

04:59:27.000 --> 04:59:41.000

Thanks. Yeah, I, I think I agree with everything that's written here. I might just propose adding and observers may request that election inspectors repeat the name and address.

04:59:41.000 --> 04:59:45.000

Of any ballots set aside for rejection.

04:59:45.000 --> 04:59:51.000

Okay, I think that could be added to the section above that talked about repeating a name and address but it does not say it for that reason.

04:59:51.000 --> 05:00:00.000

So I think we can, add in that, comment for that section. Thank you.

05:00:00.000 --> 05:00:04.000

Any other comments on 13?

05:00:04.000 --> 05:00:12.000

I do. Julie does. Okay. I think this, oh, I'm sorry.

05:00:12.000 --> 05:00:20.000

Yeah, okay, sorry. I think that should be be divided into, 2 different.

05:00:20.000 --> 05:00:31.000

Sections. One should say the election officials shall permit observers to observe absentee ballots, certificate envelopes without handling them and keeping the distance.

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Within 3 feet established in EL 434. And then the second, there should be a second part that says then election officials shall permit observers to observe absentee ballot certificates that have been rejected stating the grounds on why they are being rejected or having to be remade.

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Okay, thank you. Any other comments on 13?

05:00:59.000 --> 05:01:00.000

Okay, I'll move on to 14. Election officials shall permit observers to observe the poll lists.

05:01:00.000 --> 05:01:27.000

Excluding the confidential portion of the lists maintained under 6.3 6 4 and 6.7 9 6 as long as doing so does not interfere with or distract electors on statute 5.3 5 5 election officials shall not permit observers to create or transmit a photocopy photograph or video of the poll lists on election day and this is you

05:01:27.000 --> 05:01:35.000

know something that I think Ryan was mentioned for is allowed by. By statute the looking at the pollis on election day.

05:01:35.000 --> 05:01:38.000



David Kronig.

05:01:38.000 --> 05:01:47.000

Yeah, sorry to be a broken record on this. And I would just propose adding after we're distract electors under section 5 35 5.

05:01:47.000 --> 05:01:57.000

The proposed addition would be and does not interfere with the conduct of the election under section 6 45 sub one.

05:01:57.000 --> 05:02:00.000

Thank you. Ryan Redson.

05:02:00.000 --> 05:02:11.000

Yeah, I was just gonna say I would. Like to see the 6 45 citation in there just to give it again going back to the statutory language

05:02:11.000 --> 05:02:18.000

Okay. Thank you. Julie Siggers, is your hand up for this one?

05:02:18.000 --> 05:02:21.000

You're muted.

05:02:21.000 --> 05:02:35.000

I'm so sorry. Which statute, states that, anything about the transmitted transmitting of photocopy photograph or video of the polis on election day.

05:02:35.000 --> 05:02:38.000

Yeah, that part is not in statue. Nope, that part is not.

05:02:38.000 --> 05:02:52.000

It's not in. Okay. I think there should be something. You know, cause I, if there's not a statute to cover that, then I think what's there to stop people from doing that.

05:02:52.000 --> 05:02:57.000

Okay, yeah, certainly that you know that's a I think all of the photocopy photograph video.

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You know, lines that are coming are they were in the draft rule they've been in the you know guide they are not coming directly from statute although they are based on the.

05:03:05.000 --> 05:03:16.000

Disruption possible disruption of an election, which is in the observer, statute.

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So it's really an interpretation of that specific part of it. But I think there you know, there are a lot of sections coming that are gonna talk about photocopy photograph and video.

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So all of those are relevant.

05:03:26.000 --> 05:03:30.000

Yes. That's why I brought it up. Yeah.

05:03:30.000 --> 05:03:35.000

Any other comments on 14?

05:03:35.000 --> 05:03:44.000

Okay, I'm gonna move on to 15. Election officials shall not permit observers to handle an original version of any official election document.

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This is, you know, primarily talking about you know things people would use to, you know, register to vote registration forms.

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Apps and Ballot, certificate envelopes, ballots themselves, that kind of thing.

05:03:58.000 --> 05:04:07.000

Any comments on 15?

05:04:07.000 --> 05:04:14.000

Okay. I'll move on to 16 election officials shall not permit observers, to observe any confidential information.

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Again, I really think The substance of this, is probably more covered in the definition of what's, confidential and then how to logistically carried that out.

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I think that, you know, this is probably, less significant on that front than defining what is confidential and what isn't.

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Any comments though on, you know, how this language is being, put together here?

05:04:41.000 --> 05:04:44.000

I don't see any hands.

05:04:44.000 --> 05:05:01.000

Okay. I'm gonna go on to 17, the designated election official shall warn an observer to cease offending conduct when the observer violates the provision of this chapter or any applicable election statute and B, order an observer to depart from the observable location when an observer does not

05:05:01.000 --> 05:05:15.000

cease offending conduct following a warning under sub a if the designated election official has been designated by a chief inspector or municipal clerk, the designated election official shall notify the chief inspector who shall proceed under the subdivision.

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If the offending observer declines or otherwise fails to comply with the designated election officials, order to depart the official may summon law enforcement to remove the offending observer.

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The designated election official shall provide a written order to the observer, which includes the reason for the order.

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And the signatures of the designated election official. As well as another election official representing the opposite political party if available.

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The chief inspector of municipal clerk or both special voting deputies shall have sole authority to order the removal of an observer.

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But the other election official may note concurrence or disagreement with the decision on the order. This is a bit long.

05:05:53.000 --> 05:06:01.000

This is partly because in the statute it says specifically that chief inspectors and municipal clerks have this removal power.

05:06:01.000 --> 05:06:02.000

Hi.

05:06:02.000 --> 05:06:09.000

Other election officials can still make an order, a very similar one under, chapter 7.

05:06:09.000 --> 05:06:17.000

But this when it comes to observers is limited to chief inspectors if there's a chief inspector at the location or municipal clerk if there's a municipal clerk.

05:06:17.000 --> 05:06:23.000

So. A lot of the language is really just, getting to that if there's a way to simplify it.

05:06:23.000 --> 05:06:30.000

Certainly we would do that. So questions on 17, Debbie Marin.

05:06:30.000 --> 05:06:35.000

Your hand went down.

05:06:35.000 --> 05:06:42.000

Okay. If you raise your hand again, I will call on you. David Kronig.

05:06:42.000 --> 05:06:56.000

Yeah, I just think that adding a requirement. That they that the designated elected official and get a signatory from an official representing the opposite political party unnecessarily.

05:06:56.000 --> 05:07:09.000

Complicates things, and invent something that's not in the statute. I think if you know, a chief inspector or a clerk is in the situation where they need to remove a disruptive observer.

05:07:09.000 --> 05:07:19.000

Simple and streamlined as possible is the most important thing because you know a disruptive observer is disrupting the voting process.

05:07:19.000 --> 05:07:27.000

Thank you. And yes, that is correct. It is not that part is not. Something that is coming directly from the statues that was in the, the old draft rules.

05:07:27.000 --> 05:07:35.000

I think it was discussed at the last meeting that it is not a statutory part of the process. Julie Seekers.

05:07:35.000 --> 05:07:40.000

Okay, I think that anything that. If a, an observer needs to be removed.

05:07:40.000 --> 05:07:59.000

The it should be in writing. It should be in writing with the offending behavior was. And, that should be provided immediately to the observer, before they leave the, polling place or central account.

05:07:59.000 --> 05:08:04.000

I think that that needs we need to that needs to be done immediately. So, it can be dealt with maybe if the observer disagrees.

05:08:04.000 --> 05:08:20.000

He will, there will be a paper trail created immediately on what the offensive behavior was and the reason for being

05:08:20.000 --> 05:08:24.000

Thank you. Claire Woodville Vogue.

05:08:24.000 --> 05:08:33.000

I guess I don't understand why we are adding in. The election officials who are not chief inspectors.

05:08:33.000 --> 05:08:40.000

None of our chief inspectors are affiliated with the political party. And I don't know if that's in statute.

05:08:40.000 --> 05:08:50.000

I can't remember, but I don't think they are supposed to be. And why we're having other election officials sign off from an opposite party.

05:08:50.000 --> 05:09:06.000

I agree that it should be in writing. I think that's already part of statute or it's certainly part of procedure, but it just seems overly complicated to involve other election officials when the chief inspector is in charge of the polling place.

05:09:06.000 --> 05:09:13.000

Thank you. Yeah, I think this is a section that. You know, could be simplified in a number of.

05:09:13.000 --> 05:09:22.000

Number of ways but you know the commissioners will have that will have those opinions Oh, I mean newcomer.

05:09:22.000 --> 05:09:45.000

Thank you. I think Claire makes a good point. And I also wanna say that, I like the paper trail and the documentation where the reason why somebody would be ordered to leave is given in writing to the observer and then it is also submitted to the elections commission.

05:09:45.000 --> 05:09:57.000

Thank you. Debbie Marin.

05:09:57.000 --> 05:10:04.000

And you are still on mute.

05:10:04.000 --> 05:10:14.000

Okay, here we go. Okay, so I know that there is a wet form out there that needs to be completed when someone's ordered to leave the polling place.

05:10:14.000 --> 05:10:18.000

So I don't know if I don't even know if that's covered in statute anywhere.

05:10:18.000 --> 05:10:29.000

It might just be an administrative process. But, so does that mean if anyone's ordered to leave the polling place?

05:10:29.000 --> 05:10:37.000

That can be done with or without a written form being completed. They have within 7 days to turn it into whack.

05:10:37.000 --> 05:10:51.000

After the election is over stating what the offense was by a particular observer So I am not sure.

05:10:51.000 --> 05:11:00.000

I, I'm, I'm wondering if the, if they need to give that person something in writing or if they can just say you're, like I've heard it said.

05:11:00.000 --> 05:11:04.000

I'm telling you to leave and if you don't leave I'm going to call the police.

05:11:04.000 --> 05:11:11.000

And, you know, an observer just goes, okay, II, we, we've been told in, in the, you know, in the rules at a glance.

05:11:11.000 --> 05:11:22.000

That we need that the chief inspector is in charge and you have to do what they say. And, you know, I've followed that even when they've been wrong.

05:11:22.000 --> 05:11:34.000

And I just say, you know, like when another observers complain about what I'm doing and the chief then orders me to stop and I will say I will follow your order because you're in charge, not because that's correct.

05:11:34.000 --> 05:11:47.000

And then I will leave and I'll go get the correct information which then the chief inspector is informed with and then I'm allowed to come back and continue whatever it was the other observer didn't like that I was doing.

05:11:47.000 --> 05:12:04.000

So, I mean, it gets. It's it gets kind of dicey when you know if you don't know as an observer you can question some of this and you do it obviously respectfully and you start to get you start to feel bad because you are pulling the chief inspector away from what they are supposed to be there

05:12:04.000 --> 05:12:15.000

for and that's to conduct an election. So it's I think that yeah that that needs a little more clarification as to what the actual process is because it

05:12:15.000 --> 05:12:19.000

Just looked at it. Seems good.

05:12:19.000 --> 05:12:22.000

Okay, that's all I have. Thank you.

05:12:22.000 --> 05:12:29.000

Thank you. And yes, I think the, the rules of a glance document, you know, currently is not backed by.

05:12:29.000 --> 05:12:46.000

Backed by administrative code so that you know this is what's you know hopefully will ground. That requirement there and this would require both providing a written document to the observer who's being removed and also in 18 or which I think I'll blend in now as well.

05:12:46.000 --> 05:13:09.000

The election official would be required to send you know a copy of that to the elections commission as well so that there would be there would be a record of that coming to the commission, which again would be a public record document, created for, for this purpose.

05:13:09.000 --> 05:13:26.000

Okay, I just was gonna respond to Clare's comment. Yes, in at least we're we are we do have chief inspectors that are party affiliated and so I do I think that is good that there is that in the.

05:13:26.000 --> 05:13:56.000

Oh, document it does give the opportunity to if there is an election official representing the opposite political party that that's a good option and then also I do also like the writing being given and in fact I would really like if you know and then this may not be realistic but to have some kind of an appeals process immediately you know like not having to wait

05:13:56.000 --> 05:14:12.000

a day yes the observer would leave the area to remove any situation but sometimes we know there are situations where it it might just be a personality conflict or something that, isn't.

05:14:12.000 --> 05:14:28.000

Maybe legitimate. And, but I don't know if how that could be. Even worked out or how we could work that out but just to have some kind of a check and balance on that.

05:14:28.000 --> 05:14:40.000

Thank you. Any more comments on 17 or I will move on to 18, which is closely related to this.

05:14:40.000 --> 05:14:44.000

Okay, I will read 18. If an observer is ordered to leave an observable location by a designated election official.

05:14:44.000 --> 05:14:51.000

The incident shall be recorded and the designated election official shall within 7 days of the incident provided the commission a copy of the order and any other documentation of the incident.

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Commission staff shall submit a summary to the Commission of All Reported Incidents in which observers were ordered to leave an observable location pursuant to this chapter.

05:15:08.000 --> 05:15:23.000

Oh, so any comments on 18? This is really, you know, very closely linked with, the process in 17.

05:15:23.000 --> 05:15:25.000

Diane Conan.

05:15:25.000 --> 05:15:40.000

I just wrote a comment and I just wanted to say that an incident log at the poll is required. So everything that happens throughout the day must be noted by the chief inspector or or their designated representative, I guess.

05:15:40.000 --> 05:15:44.000

So if somebody's removed, that would be written on the log. I think it would be duplicative to put together a summary for the commission.

05:15:44.000 --> 05:16:06.000

Regarding that in that incident, it's already on the log. I think the, the log could be copied and sent to the commission instead of redoing it on another form.

05:16:06.000 --> 05:16:15.000

Yes. So I think I do want to address that. If this is, is ready to say something other than that, your explanation is what, what was intended here.

05:16:15.000 --> 05:16:20.000

So I think this can be, you know, rewritten if anything is, is unclear.

05:16:20.000 --> 05:16:34.000

So all that would be required of the, you know, municipality would be to send, you know, the, you know what they're already writing up of the incident to the elections commission it would then be on the elections commission staff to write up.

05:16:34.000 --> 05:16:38.000

In a summary way for the commission, anyone, order to be removed under that chapter, for their awareness.

05:16:38.000 --> 05:16:44.000

And if they, you know, would want to. You know, in the future address any of those kinds of incidents.

05:16:44.000 --> 05:17:01.000

So that, can be, clarified, to. You know, show what what election officials are required to send and then what is on just commission staff after that point so I will I'll update that.

05:17:01.000 --> 05:17:07.000

Julie Seekers.

05:17:07.000 --> 05:17:20.000

So kind of to go along with this or at the end of, this particular let's see what are we what is this conduct of the, is it elected?

05:17:20.000 --> 05:17:21.000

Election officials.

05:17:21.000 --> 05:17:31.000

I was watching officials. Okay. To me, all of this is a moot point. If observers can't report incidences.

05:17:31.000 --> 05:17:44.000

There is not one. El written for what observers can do if there is any, incidences that they want to report.

05:17:44.000 --> 05:17:50.000

And I'm going to give you example. This last election. I was observing at a polling place in Kenosha County.

05:17:50.000 --> 05:18:08.000



This won't be long, I promise. A clerk did not provide the registration at the registration desk, the ineligible voter list that is statute would statute it's a hard word statuteily mandated under 6.2 9 sub 2 sub.

05:18:08.000 --> 05:18:20.000

The person doing the registering never heard of such a list, she said. One, or he said when I pointed this out to the clerk who was the chief who the chief referred to me.

05:18:20.000 --> 05:18:32.000

The clerk told me it was on her computer and then walked away. I called and I and then I proceeded to tell her that should not be on your computer that should be at the registration desk as well.

05:18:32.000 --> 05:18:39.000

I called my observer hotline. Who directed me to call the whip attorney who said he would call the clerk.

05:18:39.000 --> 05:18:44.000

I don't even know if that happened and it's there's a lot a lot of story in between but I won't go into it.

05:18:44.000 --> 05:18:56.000

I don't even know if the whack attorney did get a hold of the clerk. Because the clerk let the registering person continue to register new electors with checking the ineligible voter list.

05:18:56.000 --> 05:19:09.000

He was still not given a copy of that. There was no resolution. And. By the other observer and I, we make copious notes about this.

05:19:09.000 --> 05:19:17.000

So the next day I called the web attorney. To inquire what happened because they, again, Registers, they were still registering people after I complained without that list.

05:19:17.000 --> 05:19:32.000

That is, against the law. I had to leave a message for the attorney, the whack attorney, and he never did call me back to tell me if it was resolved.

05:19:32.000 --> 05:19:37.000

It was obviously not resolved that day. So I we need to include something here for observers to because that needed to be fixed that day.

05:19:37.000 --> 05:19:55.000

We need to include something here for observers to, because that needed to be fixed that day. I even said, why can't these, people who are registering, That was not even been taken into consideration.

05:19:55.000 --> 05:20:09.000

I was I was belittled. I was glared at. By the workers at the polling place all because I wanted to make sure that they were following the law.

05:20:09.000 --> 05:20:13.000

There there has been what is an observer to do? What was I supposed to do there? Nothing was done.

05:20:13.000 --> 05:20:25.000

We weren't backed up. And I can't tell you how many times that, and there's been many complaints that have been sent into whack.

05:20:25.000 --> 05:20:34.000

And nothing is done. So what is the recourse for observers? That's my question.

05:20:34.000 --> 05:20:41.000

Thank you. So I think first, you know, certainly it is true that there is an ineligible voter list and that should be.

05:20:41.000 --> 05:20:42.000

You know, that should be at the polling place, you know, that does sound correct.

05:20:42.000 --> 05:20:51.000

I think the, The main recourse is the 506 or 505 complaint process.

05:20:51.000 --> 05:20:57.000

I mean that is the statutory process. I think as far as these rules go. There could be.

05:20:57.000 --> 05:21:04.000

An addition of language that links it to that 5 or 5 or 5 or 6 process. I think also.

05:21:04.000 --> 05:21:15.000

The requirement, described above for election officials to explain to observers who they can go to for questions is important if an observer needs to.

05:21:15.000 --> 05:21:26.000

Raise an issue, cause that is a benefit of observers if there's a process that is not being, followed to be able to communicate that to the election officials that day and that, you know, certainly could.

05:21:26.000 --> 05:21:32.000

You know, prevent errors from happening and from, you know, being perpetuated throughout the day.

05:21:32.000 --> 05:21:35.000

So I think there does need to be that. That feedback loop.

05:21:35.000 --> 05:21:39.000

But that's after the fact. I'm sorry, excuse me, but that's after the fact.

05:21:39.000 --> 05:21:49.000

They still let people register to vote without the list. It was what it was that was that was breaking the law.

05:21:49.000 --> 05:21:50.000

So.

05:21:50.000 --> 05:21:55.000

Should I have called the authorities? What should I have done in that case? I had no recourse for somebody that was breaking the law.

05:21:55.000 --> 05:22:05.000

I mean, I think the recourse is You know, to file a complaint, I know that is after the fact or to, you know, try and contact the, chief inspector or the municipal clerk.

05:22:05.000 --> 05:22:08.000

I think those, you know, those are the, the municipal clerk. I think those, you know, those are the, the options.

05:22:08.000 --> 05:22:17.000

I talked to the team. Yeah, I talked to the chief and she was very angry with me and she went into her office and closed the door.

05:22:17.000 --> 05:22:23.000

So again, no recourse. And they were breaking the law. So there really needs to be something.

05:22:23.000 --> 05:22:44.000

A hotline? I mean, can, what provide a hotline? For people to call. I don't see why I mean you're supposed to be the specialist on this and I think that if if people have questions and need to make sure people follow the law that's a blatant breaking the law

05:22:44.000 --> 05:22:53.000

You know, what, again, you know, there has to be a hotline. There has to be something that can be done immediately.

05:22:53.000 --> 05:23:10.000

I mean, I'm sure that you might get, you know, comments that might not be. Anything that's breaking the law or they might be, something minute or whatever, but these kinds of things are important when somebody is breaking the law.

05:23:10.000 --> 05:23:19.000

And it should be looked at immediately. So after the fact does not work.

05:23:19.000 --> 05:23:24.000

Alright, thank you. So we will, you know, take that to the commission, for them to consider.

05:23:24.000 --> 05:23:26.000

Okay, thank you.

05:23:26.000 --> 05:23:28.000

David Kronig.

05:23:28.000 --> 05:23:40.000

Thanks. Yeah, just in response to Julie's points, I am Brandon. I agree that Yeah, I think the law already does provide the recourse, which is a complaint under 5 or 5 or 5 or 6.

05:23:40.000 --> 05:23:49.000

I also think that the fact that that process exists in statute and means that that is The legislature is current.

05:23:49.000 --> 05:24:03.000

Preferred method for resolving these sorts of issues, and that it would sort of be outside the purview of what this committee or even the commission would be able to do they set up a separate process.

05:24:03.000 --> 05:24:11.000

I think that would have to be a legislative solution if the legislature wanted to add an additional process.

05:24:11.000 --> 05:24:15.000

Thank you. Christian Hanson. Kristin Hanson.

05:24:15.000 --> 05:24:26.000

Yeah, I do wanna respond to Julie because I, this has happened to me too where I was like, hey you guys, where's the Where's the, you know, ineligible voter book and they were like, what?

05:24:26.000 --> 05:24:35.000

We, when we do election protection, we, encourage people to use the, 800 h vote hotline.

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That's available to anyone. And the complaint goes straight to the lawyers. The lawyers call the city clerk.

05:24:40.000 --> 05:24:50.000

The facility clerk doesn't respond properly, then they call it up Wisconsin Selections Commission. And I've had a lot of luck getting things resolved within minutes.

05:24:50.000 --> 05:25:02.000

Calling through that chain. So you know, if you can do your observation through an organization that does that kind of chain.

05:25:02.000 --> 05:25:11.000

Maybe that would that would help in a case like that but yeah, I understand what you're saying about after the fact doesn't help the people.

05:25:11.000 --> 05:25:20.000

Who may have erroneously registered to vote and get themselves in bigger trouble or other things. But, it's 8 6 6 h vote.

05:25:20.000 --> 05:25:29.000

I said 800, sorry. 8 6 6 h vote. Is the hotline we give out to everyone voters and observers alike.

05:25:29.000 --> 05:25:37.000

On and they're fully manned with lawyers on election day and I think that would be a good offer to a good option for you.

05:25:37.000 --> 05:25:44.000

Thank you. Any other comments on 18? Debbie Marin.

05:25:44.000 --> 05:25:50.000

Jay, I've remembered to unmute. I just had, you know, I know that David was talking about.

05:25:50.000 --> 05:25:56.000

There's a process already in place. And I know those EL 100, and fours, those inspector statements.

05:25:56.000 --> 05:26:08.000

Seem to be, if I understand this correctly, which is the big if. Seems to be kind of like a picture of what happened in the polling place, everything that was happening in the polling place.

05:26:08.000 --> 05:26:17.000

So, when these things should be put on the EL 100, and fours, but I'm noticing when I observe.

05:26:17.000 --> 05:26:26.000

That those EL 104 are not being used in that fashion are not being used to commemorate everything that are not being used to commemorate everything that's happening in that polling place.

05:26:26.000 --> 05:26:32.000

So there's a record so you can go back and you can see it there some are using them that way, some are not.

05:26:32.000 --> 05:26:42.000

And maybe because that form is already there and it's supposed to be used. If, you know, the, the election inspectors can be.

05:26:42.000 --> 05:26:50.000

Trained or discussed the proper use of that and including all of the information in that we wouldn't have to duplicate all of these efforts in another form.

05:26:50.000 --> 05:27:02.000

But so that I'd love to see a greater use of the EL 10 fours. And then kind of get a picture of what was happening in that polling place.

05:27:02.000 --> 05:27:11.000

So that's my comment about 18 if they're you know using like I think Claire talked about the 100, and 4.

05:27:11.000 --> 05:27:19.000

So just some consistent use of those. Forms already established. Okay, that's it. Thank you.

05:27:19.000 --> 05:27:27.000

Thank you. All right, I'm gonna move right on to the next section. El 4.0 4.

05:27:27.000 --> 05:27:41.000

So it's 2 40 about. So I am hoping to. Kind of get through this section as quickly as possible again I want all of your you know comments and opinions just trying to you know, keep track of time at the same time.

05:27:41.000 --> 05:27:48.000

And again, you know, I can go a little bit. I can go beyond 3. I can't go beyond.

05:27:48.000 --> 05:27:55.000

4. And if anyone has a comment, if anyone needs to leave at 3 who wasn't, you know, prepared to stay longer.

05:27:55.000 --> 05:28:14.000

You know, please feel free to put your comment in the chat or, to. Submit additional you know written comment for the commissioners after this meeting i will be sending out an email after this meeting allowing that option just for you to, you know, write up, you know, a comment based on these draft rules

05:28:14.000 --> 05:28:21.000

for the commissioners. And that's also something I can use, 2% of the commissioners when they next consider this.

05:28:21.000 --> 05:28:27.000

So just wanna make, clear again that that will be an option for everyone here.

05:28:27.000 --> 05:28:31.000

Alright, okay, Ryan Ratsa, you have a question.

05:28:31.000 --> 05:28:37.000

I was just wondering if I could run through all of what I had for 404 so I'm not taking up more time than needed.

05:28:37.000 --> 05:28:43.000

Yes, yeah, if you've got it, if you've got it prepared, I think that would be, that would be fine.

05:28:43.000 --> 05:28:50.000

Only question for clarification. On sub one is the time range spent in the polling place.

05:28:50.000 --> 05:28:57.000

I know that's not on the current observer log that what provides to municipalities. I also don't, I also know the space on the sign in sheets are relatively limited.

05:28:57.000 --> 05:29:20.000

So I don't know. You know, the requirements of other than having a sign in sheets, you know, writing down your name of the observer, you know, stating if you're a Wisconsin resident or not, if there's, you know, a way to simplify that.

05:29:20.000 --> 05:29:28.000

To declare that you're an elector who can challenge. Under some of the provisions of 6.9 3, I believe it is or 5.

05:29:28.000 --> 05:29:33.000

Just. Something to consider on the observer form itself if you're adding more boxes.

05:29:33.000 --> 05:29:45.000

To it. And then in sub 2 I just would like to see added.

05:29:45.000 --> 05:29:57.000

After be subject to removal from the polling place. I'd like to see added following a warning under EL 403 sub 17 7 just to make sure that that's consistent.

05:29:57.000 --> 05:30:13.000

Sub 3. Would like to also add another sentence at the end of it just stating that all questions shall be answered by the election official in it or by the designated election official in a in a timely manner.

05:30:13.000 --> 05:30:17.000

Just because obviously as things progress throughout the day, things can build up and that can be more stress on the election official themselves.

05:30:17.000 --> 05:30:38.000

So just kind of getting questions answered. Concerns answered and concerns addressed right away. Should be the goal of communicating with that designated election official.

05:30:38.000 --> 05:30:44.000

I think that was all I had and I will type whatever. I'll say have in the chat.

05:30:44.000 --> 05:30:48.000

Thank you. David Kroning.

05:30:48.000 --> 05:31:08.000

Thanks. I can also quickly run through, all of my comments and 4 or 4. In sub one by, defining photo identification with reference to 5 R 2 sub 6 M.

05:31:08.000 --> 05:31:09.000

Hmm.

05:31:09.000 --> 05:31:14.000

That would exclude observers from being able to use, for instance, an out of state driver's license or ID or a photo ID from a federally recognized tribe that's not in Wisconsin.

05:31:14.000 --> 05:31:25.000

So I would, I would provide some sort of clarification that and out of state IDs are acceptable to sign in as observers as has been standard practice.

05:31:25.000 --> 05:31:47.000

In sub 2. As I've mentioned I would I would specify that the sole remedy for, any observer who believes that an election official has given an unlawful command is to file a complaint under 5 or 5 or 26.

05:31:47.000 --> 05:31:57.000

Reason for that being, I think that, you know, that's something that should be determined after election day and not disrupt.

05:31:57.000 --> 05:32:10.000

What is a very busy day for the chief inspector or clerk already? Under sub 11, I don't I think that observers.

05:32:10.000 --> 05:32:11.000

Should be required to refer a voter to an election official if the voter initiates a conversation.

05:32:11.000 --> 05:32:30.000

I believe. Practice up until this point has been if the voter initiates the conversation, the observer may answer the voters questions, in a manner that does not disrupt.

05:32:30.000 --> 05:32:52.000

The polling place and so I would propose that that be permitted. In addition to referring the I also in sub 11, I think I would add a brief wave or greeting to an individual known to the observer shall not constitute a violation.

05:32:52.000 --> 05:33:01.000

I don't think you want an observer waving to everyone who comes in because that could be confusing.

05:33:01.000 --> 05:33:04.000

And I think that's it. Thanks.

05:33:04.000 --> 05:33:17.000

Alright, thank you. Does anyone else have any, comments kind of of that sort general comments, specific comments on the entirety of EL 4 4.

05:33:17.000 --> 05:33:18.000

I will still read through these. Okay, Julie.

05:33:18.000 --> 05:33:27.000

I do. Let's see, I already put a couple on the chat. I guess number 8, what is the purpose in number 8?

05:33:27.000 --> 05:33:35.000

Can you explain that?

05:33:35.000 --> 05:33:59.000

Okay, so no observer may display the name or likeness of or text related to a candy.

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Party referendum group peering on the ballot or display text was described states or implies that the observer is a governmental official.



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This is really just to. It's very closely related to 7. It goes a little bit.

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Further and is a bit more protective of

## **BEGINNING OF SECOND VIDEO BLOCK**

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Further and is a bit more protective of so electioneering. It does not state you know whether or not you can have text or likenesses.

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So this is a little bit more restrictive. What observers can bring into the polling place than what voters can bring into the polling place.

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Electioneering is prohibited equally, but that's the effect of what it would do just as a, you know, an extra effort against intimidation of any, of any voters.

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So that's, the purpose of, what it is doing is to be, slightly more specific of what is not allowed, than the, electioneering statute related to, observers.

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Okay, and then, number 10, I had a comment on that. No observer may use a communication device inside an observer area to make an audio or video communication.

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Again, there is no statute from what I understand regarding that. But I would also think it should be added between the hours that maybe 7 am and 8 pm or when the polls close.

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Okay.

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I think ours need to be put on that. And then

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Let's see and then number 12. Observers may communicate as needed with a designated election official.

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Let's see. Any other election officials? Let's see, I think it should say, observers may communicate as needed with a designated election official.

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And any other election special shall try to keep conversations private by preventing others from listening, moving to a remote location or outside.

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Cause sometimes the situation that I had It just created a lot of. Disturbance.

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And animosity among people that didn't understand what the conversation was. So maybe suggesting, you know, go somewhere a little quiet.

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You know doesn't necessarily have to be outside but you know to a quiet location so yeah so other people don't need to misunderstand the conversation and that's it.

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Okay, thank you. And I think You know, I think what, you know, Ryan and David and Julie have been doing here going through this section as a whole.

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I think in the interest of time that probably is worthwhile. I'd prefer to go. Line by line but I don't want to take the time with me reading as something that's flows us down.

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So I think I do just want to open up the floor on the section for anyone who has comments on any of the specific subsections, to, you know, bring your comment and I will call on you and I'm happy to discuss, any specific language on any of these.

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It's not meant to be. Restriction just purely based on time. Debbie Marin.

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Okay, so I have a question on the Item number one is Ness necessary to obtain the address of the observer.

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So if you look at the statute, it basically says each person permitted to observe under this subsection shall print his or her name and sign and date a log maintained by the chief inspector.

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So, and then, you know, and everyone else who's in a place where you can observe.

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So I don't understand the purpose of getting the observer's full name, street address, and municipality.

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And the statute doesn't say that's required. So that's my question there. Maybe, what instead of having to do that, if, if the, quote, I think it's been explained to me that, well, we need to know if you're, if you are a person who can challenge an

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elector. So we need to know if your address is in Wisconsin. Well, can we just have a like a box?

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I'm an eligible Wisconsin Elector and check the box and they can confirm it when they look at the idea, which we don't even know if they should be So, I, there's been, it's been pretty heavy-handed with the control of the observers.

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There must be a good reason why. I mean, when I first started observing there was none of this and then all of a sudden it became it actually turned out that as an observer I needed to show my ID before the voters were required to show their ID.

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So I don't understand what the control of that is and it'd be nice to get an explanation.

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And the only other question I have in here is the time range spent observing on the observer log.

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So when I sign in, I don't get access to that observer log again unless now I'm going to be required to go find the chief when they're not busy and then sign out and then come if I want to come back sign back in.

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That's a lot of administrative. Tasks related to something that's not even directly to the voters.

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These are observers. So I'd like to understand the rationale for that and I'd like to make that.

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Easier for an observer to follow and not gather so much information on the observance that if it's, I just don't know if it's necessary.

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I'd like to understand the necessity of it. Okay, thank you.

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Thank you. Yes, and I think that is very much correct that these, a lot of what is, Here is not required by statute.

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Statute really only requires the signature and then it does You know, I think more strongly imply that if you're there representing an organization, that you make that known so that a, you know, election official can reasonably.

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Limit the number of people representing the same organization. I think the reason for the street address and municipality is to be able to contact the observer after the fact if that's ever if that's ever needed.

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But it is those are not statutory requirements. So you know I think you know criticisms of you know I think you know criticisms of you know the inclusion of photo ID or of a street address and you know the inclusion of photo ID or of street address and municipality is you know very much an open question on, you know, the inclusion of photo ID or of, street address and municipality is, you know, very much an

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open question on whether, street address and municipality is, you know, very much an open question on whether, you know, the you know, if anyone does not believe that, you know, it's pre address and a photo ID should be required of observers.

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I think that is certainly something to put in the comments. As again, it is, it's not a statutory requirement.

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I think it is, there. You know, it's been there in the, elections guidance for, quite a few years.

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But whether or not it will make it into this final rule, is, very much an open question.

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So I think you know if anyone does have a comment on that specifically that would be a very good idea to raise that

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Karen Huffman.

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Hi, I just had a couple of brief comments. The first one is I find I think it would be helpful.

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To have the observers log in and log out. You know, so that they have to inform the chief.

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Inspector directly when they're coming in, especially when they're leaving so they just don't leave and we don't know if they're off to the restroom or they're done for the day.

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And, also at helps because if they are doing us the service by being there and observing what's going on with the voting process.

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It helps to know what time frame they were there for. Because we also have inspectors, some who work half day, some who are full days.

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And if there are issues, it's helpful to know when the observer was there. So that was that'd be for the first one and be a simple, not a lot of paperwork to sign in and sign out.

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The second one is for point 13. If an observer is helping a voter, his role has changed and I'm not sure if it's practical to have an observer.

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You know, become a voter assistant and then go back to being observer maybe then you know the observer role ends and some if there are limitations to the number of servers there can be if he's he or she is helping other voters then it's time to.

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Step aside from the observer. A bit. That's it. Thank you.

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Thank you.

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Oops.

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Any other comments on, EL 4 point oh 4 and again I am going through the entirety of EL 4 point oh 4 here it's not not the ideal method I think just to keep up with time.

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I think if anyone can, you know, put any comments or. Questions. I think these are also a little bit.

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More straightforward of a section so if there are any other comments please raise your hand or put them into the chat and you can certainly continue doing that and again very happy to receive any written comments after this meeting.

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So what we'll ask one more time for any comments on this EL 4 point oh 4 conductive observers section

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Okay, so I will move on. To the location specific requirements. So I think for this one, I'm gonna go by, the subsections and then, accept any comments on the entirety of the subsection.

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So I'll go, you know, location by location. And receive any comments on the location.

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Any comments on the location specific requirements for the polling place? Ryan Reza.

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Yep, I was just gonna say I know that this is one of the sections that you did the 2 different options.

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Do not support a do support B. However, I think we should also add in there that no observer shall be permitted to disrupt the polling place setup.

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And all questions that the observer has should be directed to the chief inspector or their designee just to again clarify that.

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And then in sub.

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One sub D.

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How do you recordings of the observable location? Oh, I was gonna say until Yeah.

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Until after the polls closed or until the last voter enlightened votes. I guess or until absentee ballots are done process processing as well.

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The only reason I say that is because obviously machine tapes are a matter of open record as well.

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And I know that there are some political parties and groups that are interested in getting the final results at the end of the night just right away.

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So just taking that in consideration after the polls close.

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Thank you. David Kronig.

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Thanks. Yeah, as between A and BI support A. I think that, it would be quite burdensome and disruptive.

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To allow observers to be there during the setup of polling places, which, my understanding is that, varies by polling place when that it begins, whether it's that morning, the day before, or the weekend before, and I think making all of that open to observation would be unduly

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disruptive. And I think one potential compromise is that in MA perhaps it could say observer shall be allowed to observe beginning at 7 am or whenever machines are zeroed out on the election day, whichever is earlier.

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Then on sub C, Yeah, I would defer to the clerks and chief inspectors on this call, but My understanding is.

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That particularly for pulling places that serve a large number of words that having each organization allowed one observer per word might not be feasible from a space perspective.

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And so I would, I would suggest eliminating some C, and in subd I would propose adding, Photographs, videos or audio recordings of the interior of the observable location.

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Thank you. And yeah, I think the or 0 in language. That does make sense.

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I think we can clarify the the 8 pm versus you know when voters are still actually going through the voting process if there were if there was a line at 8 pm so i think that is something that i would you know, correct based on Ryan's comment there.

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And I think also for A and B, this is one another one of those areas where if you want to, you know, signal support for one version or the other, that that would be particularly useful for the commission.

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Since you know only one of these general possibilities is gonna make it into the into the final rule and Oh, I think them knowing, you know, who's supporting it and how many people are supporting which one, will be, you know, genuinely helpful to them.

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When choosing between those, options. So I think that this is another spot where if you, you know, specify, either A or B, and any adjustments that you would make to it, that would be very helpful, for us.

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Any other comments on, 4 point oh 5 one polling place?

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Okay. I'm going to move. Oh, Debbie Marin.

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Okay, so. Yeah, I, I'm, I'm trying to type and listen and do it and do the same thing.

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I think maybe with this, you know, like I'm noticing that Claire said people can come in as early as 6 6 15.

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I know all the election inspectors are busy at that time. But this might be a way for people to look at the setup at the polling place.

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I mean observers. If they if they really care about it that much, get here before the voters get here and look it over and talk to me quickly.

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I mean, don't take all my time because I have other things to do. But look it over and then, you know, if there's something we can tweak that we missed that would be helpful.

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Let's have that discussion before we open the doors to the voters and then you come in you know half an hour to an hour later and you start expecting things to be moved around once we've been running this process for an hour or so.

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So I think that might have some possibilities to develop that part of it, you know, that part of the layout of the polling place as opposed to submitting, you know, the layouts, you know, of the polling place a week ahead of time for observers to make a special trip down to the clerk's office to look

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at them if they want to go in and they really want to have, you know, some look ahead of time to see if there might be an issue, then get there before 7 the way the workers have to do.

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Okay, that's it. Thank you.

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Thank you. Any other comments on polling place?

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I am going to move on to municipal clerk office or alternate site. Ryan Rutzin.

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So I can type this too, but again, I would support. Sub 2 sub A over sub 2 sub B.

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Again, the return of the absentee ballots during the hours such activities may occur at the Clerk's office, we would consider to be a part of the voting process.



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Again, that doesn't mean you can sit there at 3 am because that's obviously not when they're accepting that let's.

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But if it isn't a public building and they are accepting those absentee's, then that should be permitted.

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Sub 2 sub EI was just going to essentially make this a little bit more concise.

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I would prefer to see language that says observer shall be permitted to observe at all alternate absentee ballot sites.

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And just scratch out that last. That last section there and you could even use the clarifier of withet 6 8 5 5 just to make sure that that's further defined.

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And then that is all I had for that section.

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Thank you. And that might be a very good way to simplify. What is intended by E.

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David Kronig.

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Thanks. Yeah. So as between, 2 A and 2 B I prefer to be, we've been over this ground before, so I don't wanna re-hack it.

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I would also still propose adding M 2 to B that the municipal clerk's office is not an observable location when alternate absentee ballot sites have been designated for student to section 6 8 55.

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Under sub CI don't believe. That there is always room for 2 observers in the municipal quicks office, particularly in some of our smaller, you know.

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Town in village halls. I think that subd should be struck. I think that I would have a lot of concerns about the, security and integrity of collective materials, letting observers come into, you know, the secure storage areas where clicks keep absentee ballot prior to election day.

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And I also think that it would be very disruptive for our clerks who have a lot going on while they're trying to make sure that all of the Right, let's get to the right.

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And. Bye, I believe that's it. And I think that Ryan's proposed publication of sub-E is a good one and would support that.

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Thank you. And I think between A and B here is this is another one where if everyone who, you know, has a preference and I want to explain this one just a little bit.

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That let me make sure I'm doing the right one.

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So A is allowing. Really just observation of. The, in person absentee voting and then any other, you know, delivery of absentee ballots that is happening at that time.

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B makes observable outside of the hours that. In person apps and devoting is taking place.

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But inclusive of hours where someone may return, a voted apps to ballot to a clerk, that that process is also observable.

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I think it is important also to mention that even if whether or not the commission, chooses A or B, you know, the return of an absentee ballot to a clerk, you know, maybe observable separately.

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It's really the question here is really whether the commission can regulate it under Wisconsin statute. 7.4 one the observation of that process.

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It is, you know, it really is the resolution of that question would not resolve whether the process is observable in any other way.

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It's a it's a question of what the commission can regulate under this rulemaking is the you know the relevant question for us.

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I do just want to be clear that whichever way the commission goes on this, the question of, you know, how that process might be observed, would not be completely resolved by, by this rule making.

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Ken Brown.

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Thank you. In, Roussein County or actually city of Versene, we have a city bus that goes around a little van that you can vote on absentee for the first 10 days before the election.

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Actual election day happens. This bus will be in one location for 3 h. Then it will take the ballots back to City Hall to the municipal clerk's office and then it will go back out again.

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My understanding is that in Madison, they're doing something similar where they're putting, they're using the dormitory.

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They use one dormitory for 3 h. They use one dormitory for 3 h, allow students to come and vote there and then we go to another.

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And then we go to another, set it up at another location. Later on my concern is on election night, any ballots that are cast, there's a tape run.

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That's, you know, run over to the city. Or sorry to the county clerk who has the tabulation and that can be matched up.

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But in these. 3 h windows, there's no tape generated because they've got balance for any of the different municipality awards within that municipality that are on that bus.

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They will not allow an observer to transport with them that secure box and ensure that that observer can verify that that box has now been properly legally received at the municipal's office without having been tampered altered or stuffed in any other way.

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This creates a real problem that I think affects these student voting in. Madison as well as on this bus.

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Thank you.

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Thank you. And I think at least Some of what you're saying, you know, was intended to be addressed by, D and E, within this, within this draft.

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Any other, comments on municipal clerk office or alternate site

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Debbie Marin.

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Okay, yeah, so my question is on C and I know someone was talking about bringing it up. Observers representing the same organization, nope, that's not it.

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Where did it go? Okay, no, it's the same organization shall not be limited to less than 2 observers per municipal clerk's office located.

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Okay, so it's observers representing the same organization. If they're not representing the same organization, is there any The limit on the number.

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No, and this goes back to that. You know, that part of the statute that allows election officials to limit based on the organization and not based on the total number.

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So it really is, you know, working within that. Statutory constraint is what this is intending to address.

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Okay, thank you for the clarification.

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Any other comments on municipal clerk office or alternate site?

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Okay, I'm going to move on absentee ballot canvas. So this is again the board of Apps to Ballot Canvassers commonly called central account, but I'm not using that term here just because it is.

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Statorily defined and I wanna keep that, distinction here. So this is the, Board of Apps debut canvassers where all apps do balance within a municipality would be.

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Brought and, processed, on election day. Ryan.

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Yep, so I'm the only addition I might have to sub 3 is also adding. Something similar to what's already at the polling places in 405 sub one sub b.

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Which would permit them to. Enter. Prior to the commencement of the Board of Appsentee Ballad Canvassers.

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And then. I do support. A/c and E the only clarification I had with E is that if it's determined disruptive by the Board of Apps and Tee Ballot Canvassers.

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Then they can regulate it. As a board.

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Okay, thank you.

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Yes, I think that makes sense. And I think in all of these cases, the, you know, election officials if something is.

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You know disruptive that would always still apply but I think adding in that language here. Makes sense as well.

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So thank you. David Kronig.

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Thanks. I support sub B over at sub A and but with the same. Caveat that I made under.

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Proposal for those compromise that I made with respect to polling pieces that I think. Allowing observers to observe the zeroing of equipment on election day is reasonable.

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And so I was adding 2 sub b as a compromise instead of sub A, which I think could be too disruptive.

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I think having one observer per processing table and would require most municipalities to, who use central account to rent much bigger spaces than they currently have available and but they may not have the money to do so particularly for smaller elections.

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So I've proposed striking some C, and I support sub D over sub E I don't think that photos videos are audio is necessary, within central account and could be disruptive.

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Thank you. And I did wanna mention on the difference between D and E. So the reason these are here for this one and they weren't for for some of the other locations is just because there are If not 0 voters, there are far fewer voters.

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Add an absentee ballot canvas. So just the possibility of disruption to voters is less, although there is of course still a possibility of disruption to the, you know, voting process.

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So that, but that's why this, option is here for this one and it wasn't there. So that, but that's why this option is here for this one and it wasn't there.

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For the other ones, Again, both for A and B and D and E. You know, registering agreement and disagreement with, any of those options would be useful feedback for the commission off for, all of those options.

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Any other comments for absentee ballot Canvas? I will give everyone a little bit of time to, write down either A or B or D or E.

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Okay. I am going to move on to absentee voting in residential care facilities and retirement homes.

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So there was quite a bit of discussion on this topic at the last meeting. You know, we tried to add in, all the different perspectives into this rule.

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Does anyone have comments on this section? Ryan Redson.

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Yep, I support all of it except for sub 4 E. So in on page 13 of the web manual.

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On the conduct of elections inside of retirement homes. I think that explanation in page 13 is a lot more, specific and I think beneficial to both special voting deputies and observers.

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If space is available. So I would just propose that we use the language on page 13. And I will type that once I track that down on the web website.

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Thank you. Julie Seekers.

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Okay, I know that this was I was part of that huge discussion last time, but And again, the most important is the right to vote as privately and independently as possible.

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A voter rights can easily be taken advantage of. However, especially among our most vulnerable in our communities.

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If an election official who is paid by a municipality such as a special voting deputy is in the room at the request of the resident, which is done.

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When the absentee ballot request is filled out. That becomes a pulling place as outlined in 6.8 7 5 B.

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That states for purposes of the application of 7.4 one the public's right to access the home the home so that means the room of the resident the residence room.

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Or facility shall be treated as a polling place. Of course, staying within the 3 feet observation rule, unless that just is not possible, then the observer should be able to observe from the doorway so as to honor the spirit of 7.4 one and 6.8 7 5 B and truly I don't know any observer who cares

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and even keeps track of any one of our vulnerable electors and who they vote for. What they care about is that the process of administering the vote was done fairly and properly.

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And maybe, and again, it is when, an election official goes into a room, a residence room, they were invited to do that.

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The and so that does make it a polling place. So that's my. That's what I have to say about that for right now.

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Thank you. Any other comments on absentee voting in residential care facilities and retirement homes? Debbie Marin.

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Okay, my question is observing the registration of the residents of a residential care facility. I know that EROs can go into those facilities before they, before special voting deputies bring in the ballots.

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Our observers allowed to observe the process of registering these voters. Like observers are allowed to observe that process at a polling place on same day voter registration or at an in-person absentee voting site.

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That's my question and I was in the middle of typing it so maybe, you know, that's just what I want to know.

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That's it.

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Yeah, I mean, I think certainly it would be observable if it's occurring at the same time.

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Just because it would be, you know, part of the observable process as, you know, as the special voting deputies are carrying out their duties.

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I think if it's if it's current at a different time, I think that's.

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Less likely that the commission can regulate it under this statute but you know still if it's if that's something you'd want to see in the, in the rule certainly.

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You know, we've got your, verbal comment here and we you know if you finish typing it out we'll have we'll have that one too so i think Definitely if it's at the same time.

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I'm less sure if it's not at the same time but something for the commission to consider on this on this sub part.

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Ken Brown.

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Thank you. This is a another situation we had in. Where the city clerk would only allow from the Republican Party.

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One individual who had to sign up for all of the different shifts. This particular person actually had to take time off of work in order to do it.

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The clerk would not permit anyone else to be trained to have, the ability to fill in on their days off or whatever to help with this process.

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I'd like to see that addressed in the future if not specifically in this that the city clerk should accept those who are available to do the process.

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If it cannot all be done in a single day or episode and in the city we're seeing we have over a dozen different locations that just, is required.

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Thank you.

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Thank you. Any other comments on absentee voting in residential care facilities or retirement homes?

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Okay. I'm going to Move on. So I'm actually gonna cover recount and central count, at the same.

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At the same time. So again, recounts. We did discuss this a little bit above.

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I'm not sure if the statute. If the statute 9 point oh 1 3 is covered by 7.4 one or not I think it's a it's an open question.

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The last draft rule did include it. So the commission absolutely might decide to include this. It is simply a question on whether or not it is.

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Covered under 7.4 one. If it is other sections will be you know edited to include it if not it would be taken out i think you know as has been discussed the you know what's going on at a recount is different and kind of the needs of the parties and you know council are different than

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it is in any of the other observable locations. So just with that caveat. And then central count we also discussed earlier.

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No. Wisconsin municipality that I'm aware of currently uses this process. The rules need to cover this.

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I think pretty explicitly it would need to cover this, central account process. However, I don't think there's anyone with experience in how that, plays out at the moment.

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So any comments for recount or central account as statutorily defined? Ryan Redson.

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Yeah, thanks Brandon. Again, my only other addition, to the recount section if this is something that this rule is covering.

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Would be that candidate representatives and their council and candidates themselves would be prioritized if the board of canvassers is limiting representatives from the same organization and then again my prefer again my only addition to sub 6 D which is what I would support over sub 6 C is that.

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It is not disruptive as determined by the municipal clerk.

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Thank you. And yes, as, for 6 C and D, that's again the difference between allowing photographs or not.

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This would be another location where it would be very unlikely that there would be any voters present, because these are ballots that would be delivered from each polling place.

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To a central counting location where they would all be, fed through a tabulator.

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Probably one of the high speed calculators, which is I believe the point of the statute.

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David Kronig.

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Thanks. I just wanna, echo my agreement with Ryan and that. Candidates and their council and representatives be given priority where.

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Space requires limiting a number of people at a recount. And just to underscore the reasoning for that, which Brandon you alluded to that, you know, I think because this statutory language says that the petition or all opposing candidates and interested persons shall be entitled to be present.

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That's very different than the language of 7 41 which does any member of the public. It the legislature clearly intended it to be.

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The more limited. You know, slice of people who are entitled to be at recount. You know, I fully support, you know, full open public access to a recount where space is available.

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But if it's, you know, if space is limited, then I think, it should be confined to the or priority should be given to the people that the statutory language suggests.

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And as to the central account section, I just think that this should probably mirror whatever the final language or the, OCD ballot canvas section is I don't see any reason why there should be a difference.

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I think the one the one significant difference here is that, and this might be more relevant to other parts of this rule is that there shouldn't be any.

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Names of voters read out loud just because the processing of the checking in of the voter and the processing of the ballots would still be occurring at the polling place in this in this instance.

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So it really is just the the final tabulation that would occur at this at the central count.

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Just to I'll highlight that 1 one distinction is that the, you know, names and addresses of voters would simply not be present as central account where it would be at the, would make a difference between what's written here and not, but that is a significant difference between those 2.

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Areas.

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Any other comments on recount or central count?

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Ken Brown.

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Just one thought on there when you are using the absentee ballot process you are giving up a little bit of your privacy.

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You are giving up a little bit of your privacy. You are giving up a little bit of your privacy.

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You are allowing your name and address to be read in public before. People in this central account location in the case of the 5 or 6 cities that we have in our area.

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So whether they would be recorded or not should I don't think there's any reason they shouldn't be recorded.

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No voters are actually present in that location. Other than people have already either cast or ballot or submitted theirs to the absentee process.

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They're there to observe and they're there to process. There's no reason that can't be filmed.

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To ensure that everything is handled properly. Thank you.

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Thank you. Any other comments on this section?

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Okay, I'm going to move on to the last section. So I'm gonna read, I am gonna break this down into into 2 parts since I think these are quite, quite distinct.

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So starting with 4061. After all voting activity has concluded within the observable location candidates may be present and the prohibition of creating or transmitting photographs, videos, and audio recordings does not apply unless it is disruptive or interferes with the administration of the election.

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So I think as I believe Ryan commented earlier, you know this after all voting activity is concluded is an important line because there can be people in line after 8 pm and the you know entire process of the voter you know checking in possibly registering and voting can't happen after 8 pm provided there in line first.

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Also in rare instances a court can order that a polling place stay open late. That could happen if there's a natural disaster or something like that.

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So just wanna make sure that you know after all voting activities concluded means whenever all of that is finished and the election inspectors become Canvassers and the canvassing, opens as an official public meeting.

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So this is, you know, really just. Trying to account for that transition. Between the election inspectors to canvassers and then, you know, any observers to, you know, still observers, but observers onto the public meeting's law.

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Ryan Rats.

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So Brandon, if this is in this section, would we even need? The clarification and all the other sections other than maybe SVDs.

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Quite possibly not. I think it, I need to go back and check. See if there's anything else I was hoping to accomplish with that, but this might.

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This might address that.

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And I mean if you and Jim determine that, this is, you know, this would cover pretty much everything that I would just support getting rid of all the other clarifications for in our residential care facilities, just making sure that those that no recording can take place there.

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Okay, thank you.

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Any other comments on subsection one?

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Okay. I'm gonna move on to subsection 2. So this is the media one.

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So I'm hoping, you know, in particular that the, media representatives on the call.

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You know we'll provide all of their thoughts on this one i'm gonna read this one out loud first observers from communications media organizations shall identify themselves and the organization they represent to the designated election official upon arriving at the observable location and shall sign the observer log as provided by section EL 4.0 4

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one. Communications media observer observers shall be permitted to use video and still cameras at the discretion of the designated election official provided the cameras are not used in a manner that allows the observer to see or record any confidential information and provided the cameras do not disrupt or interfere.

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With voting or disrupt the orderly conduct of the election. The commission may also use video and still cameras at polling places, municipal clerks offices, central counting locations, or absentee ballot canvas locations or authorize others to do so for purposes authorized by the commission.

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That last sentence. Is particularly regarding our accessibility, surveyors who are sent out each election.

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So it's been to, even though they're excluded from the definition of observer.

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I wanted to, put in language to, you know, allow them to, you know, conduct the server that they need to conduct, to ensure accessibility compliance.

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Bill Barth.

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First this has been a very interesting exercise. Just observing as you talk about observers and elections.

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Hey, to see how serious everyone has been to see how detailed. Everyone has been and how committed to running.

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Free and fair elections. Regarding specifically the media section on this you know we We in the media have always wanted to be responsible.

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We want to have access. To identify ourselves and who we may be. Oh, on entering, you know, foreign places.

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Is entirely reasonable. And also to have. The ability to use video, still cameras.

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While not interfering with the election in any way or being disruptive or endangering. Privacy.

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Also makes plenty of sense. We have no objection to that. The, You know at the end of this where you mentioned that The commission that may be using pictures of video and audio or whatever you may be and different spots.

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I'm assuming that that is all, covered under the Open Records Act. And would be accessible as necessary in order to, if it was, Deem necessary to go back and check and see how things were being done.

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So, That would be my only comment. And again, thank you for the opportunity to represent the Wisconsin Newspaper Association today.

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Thank you. Ryan Redson.

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Ella Shawn go first just cause I know this is more applicable to them than it is me.

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Sounds good. Sean Dryer.

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Thank you. Thank you, Ryan. I don't agree with Bill's comments as well in, instances of covering canvases and recounts in the past.

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We've always done this. I think that this paragraph does. Provide a good summary of what's expected of us and I have no objection to being identified and identifying when we come in for, the coverage.

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Again, I would parking back to my comments earlier today that There will be probably people who will want to try to stream this process.

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And that's something that, maybe needs to be discussed, but I do think this second paragraph does a good job of summarizing and I think it is fair and reasonable.

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And again, we are very much open to making it as transparent as possible. And I think having media there allows the general public to participate in the process when they're not able to be there in person.

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And again, thank you for allowing me to participate today.

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Thank you. And yes, also just to, mention again the conversation earlier on definitions of media and.

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You know kind of who would be falling under this section is you know is something the commission will need to consider we have the comments from earlier.

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On that but you know certainly you know that definition is a very critical one just in terms of you know who would be able to use you know videos and cameras under this section.

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Julie Seekers.

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Okay, I'm gonna try and wear this as best as I can. The Open Records Act should apply to observers.

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To then in this situation this really excludes observers and really discriminates against observers so I should to me it should be all our nothing either there can be media as far as observers taking camera, as far as observers taking camera, media as far as observers taking camera taking videos.

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Because if the media can, then observer should be able to. If they're, you know, they're responsible, we'll be able to.

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If they're, you know, they're responsible, we train observers to be responsible.

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Observers know they're not supposed to take pictures of people filling out their ballots or any ballot. We know that.

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That's a pretty simple concept. So to me, this is very discriminatory against observers.

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The Open Records Act should apply to everybody. Thanks.

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Thank you. And yes, I do, you know, I do think that's a significant, comment that, you know, the that what this section is doing is allowing media observers as defined to have you know one additional ability which is to take video and and photographs also I think you know that should be something

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stated you know clearly here that that is what What is, what the section is doing. Ryan Retta.

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Yeah, thanks Brandon. Do you or anybody on the web team know of you know, a special designations for media in 5 through 12.

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I don't believe that there are any. Not, to my knowledge.

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Okay, cause I mean similar to what Julie said. It just feels like we're arbitrarily creating a special class of individuals inside of polling places which I mean, kind of I'm sure it gets frustrating for some of the observers.

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I'm sure it gets frustrating for some of the workers as well. But if we are creating this, you know.

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Distinct class of undefined, you know. Individuals who can be in a polling place, then I think again there does need to be some sort of credentialing process or some sort of visual credentials so that voters can see, you know, as a person a part of the media, even if it is a self credential,

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I think that would be helpful as well to address some of the social media concerns. But there I just think there needs to be something.

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That indicates you are a member of the media no matter what. What medium you use to do so.

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Thank you. And yes, I do. You know, this is one of the points that you know this is in the current commission guidance this was in the the draft rule from 10 years ago.

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So you know it is a historic practice and in Wisconsin. And this is, you know, trying to you know, put that into into words here.

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But I think, you know, certainly something that commission, you know, will need to be, considering very carefully how to, you know, whether and how to make this, this distinction.

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Carolyn Fox.



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Thank you. I'm in favor of allowing the media and to photograph and videotape.

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The only thing that I would add is, permitting them to, capture likenesses of voters only with their permission.

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Again, we do have some confidential voters and I would hate that their faces show up on the evening news and without their knowledge.

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So I would request that that is added as well.

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Thank you. David Kronig.

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Thanks. I agree with Carolyn's comments just now. I also think that you know having Our open records laws.

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Already and First Amendment a lot frankly. Already recognize that there are balances to be drawn that things aren't all nothing.

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You know, I think that it'll have observers to take photos would be underly disruptive but allowing.

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Degree of public access via you know properly credentialed media is a reasonable. To be drawn.

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You know, to the extent that the commission wants to view this as an all or nothing thing, then I would be.

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More inclined to say that no photos or videos are but again, I think that on the media to do that.

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And is a reasonable balance.

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Thank you. And also just to clarify, you know, there's no doubt. At all that media can, you know, be observers in a polling place.

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It really is just the question on. You know what kind of recording can be done. Julie Seekers.

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I'm sorry, I know I spoke once about this already, but I just wanted to.

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Tell you that when I was, I think I mentioned this before when I was observing the machine testing.

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Cameras came in and they tried to interview me. I was with other observers and they tried to interview all of us observers and we all refused and they kept asking us if we were there because we were opposing the kind of machines that were being used when we didn't even know at the time what kinds of machines were being

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used. And so they kept zooming in and out of my face, they were able to walk in areas that we weren't able to walk into.

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We had a taped off area. And so even that evening or even, yeah, that evening when I watched that new segment, they stayed on my face almost the whole time.

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It was an intimidation thing. And, that's exactly it can be abused. So to me, that I bet and I'm a voter, you know, and I'm there as a citizen and I felt like I was being intimidated because they felt that that you know they agreed with the kind of machines they

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had. I felt like I was being intimidated because they felt that, you know, they agreed with the kind of machines they had.

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I didn't even, I wasn't even educated at the time about the machines. So, it was very intimidating and I did not appreciate it at all and it was very disruptive to to the whole election or to the whole process of observing the machines.

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Alright, thank you.

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Thank you. Christian Hanson.

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I'm gonna give this a lot of thought and email you. Some more text to some more.

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Proposed text but This could get completely out of hand because And you know, we're all here because we've done this.

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We're very experienced. We take this all very seriously. What you if we say any observer can do anything they want inside a polling place with cameras and videos You could have someone come in.

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And record the faces of every single voter coming in there. You could have someone standing there snapping a photo of every single voter as they vote.

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That is in intimidation. There is no way that voters aren't gonna feel that that is completely overstepping.

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For them to not be able to walk in, vote and walk back out with having someone videotaping them.

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Or taking their picture and posting it potentially. On social media. Here's all the people that voted at this bowling place today.

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Do you see anyone you think is illegal. I mean, there's a lot of people out there that would take massive advantage of something like that.

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So I'm gonna be very forcefully against that idea. On the other hand, I do see the advantage to having a modest amount of media.

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Especially if something crazy is happening, that's what the real media in the United States is for. Somebody if there's a you know a brawl happening at a polling place or there's a polling place that is so dysfunctional that something needs to be done about it right now.

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That's where the media is very helpful. And and can preserve that for posterity. So something needs to, the balance needs to be set here.

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And I honestly think credentialed media being allowed to photograph and video in a non-destructive way.

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Is the, is the answer. It's been working for a long time, it seems like.

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So, I'm in favor of this. The way it has been all this time.

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Thank you.

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Thank you. And you know, certainly I think the commission is, you know, very much aware of needing to, be careful with the section.

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And, you know, regulated. In a way that does not intimidate voters.

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So I think that, you know, is very much. You know, under consideration here with this with a section, but you know, please do submit, your comments on, on this part.

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Sean Dwyer.

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Sean, I see you, but I can't hear you.

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Is anyone able to hear Sean? I do not hear Sean.

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Hi.

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Sean, I don't think you're muted. I think this might be on your end.

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Yeah.

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I'm gonna go to Bill Barth now. I think you might need to check your, you know, headset or anything because there's some kind of audio, issue going on.

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Bill Barth.

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Thanks. First of all, we are not reinventing a wheel here. I've been in the media for decades.

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In Wisconsin and the media has always had access. So this is there's nothing new in what we're discussing.

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Okay.

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Back to what the points made earlier that if we, you know the media being responsible needs to sign it needs to accept.

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Check that.

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Identifying ourselves. You know, legacy media, I can tell you generally. It would be Very rare when they are not able to show credentials if they needed to show credentials.

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Oh and when we began this conversation several hours ago now I mentioned at 1 point that, you know, putting an emphasis on conduct.

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Okay.

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Is, makes a lot of sense and that, you know, it we are. Exercising proper caution and and behaving ourselves as media then there won't be a problem if we are not that it is the obligation of election officials to show us the door.

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And I would would hope that if I had any brother in there who were not behaving themselves that election officials would would do their job.

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It's it's There is a situation here where you know government has a First Amendment obligation as well.

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To respect freedom of the press and there is nothing more important than the public interest that reporting on elections and you have to have access in order.

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To report on election so I would hope that that is that no one is questioning that as far as photographing, you know, personally we I can't speak for everyone in the state, but in, in the surrounding area.

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When we had cameras in, in our election zone. In a polling place. So, you know, we We, we're not going to take someone's picture and run it on the front page of the newspaper without that person knowing their picture was being taken and having their permission to do so.

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You know, the law says that People have a right to privacy where they have an expectation of privacy. So certainly in a polling place, one could argue that there is.

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A certain element of an expectation of privacy outside of polling place if there's a line that goes halfway around the block.

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I don't know that that's a. An expectation of privacy as the law would view it.

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But I think the central point here is that this is not new. This has been the practice in the state.

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For as long as I can remember in the media which is over 4 decades. So I, you know, I think, I think the record suggests that the media has been responsible.

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And as, as, Julie, I believe, was, says she had a bad experience.

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I don't doubt that at all. Oh, but there again that goes to the element of conduct and if Someone from the media is in.

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A given space. And not behaving and their conduct. Is reprehensible that I would hope that the election officials would exercise their discretion to deal with it.

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Thank you.

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Thank you. Sean Dwyer. Take care. You are muted, but I see the mute button on now.

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There we are.

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Just in the interest of time. I agree with Bill and I, you know, I know that Julie's story is anecdotal, but I would also say that.

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The media has had a record of covering elections in a competent and fair way. When we go into a polling place.

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We are always credentialed. And again, I'm not saying that that is always the case, but our news organization is always credential.

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We also shoot our video from where we're told to shoot the video. But I'd also say that voting is a public process.

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We're not allowed in the polling booth. We're not showing how that person is voting.

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We may show the back of their legs. We may show their ballot go into a machine. But I do think the vast majority of our coverage when it comes to election day is respectful.

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And competent.

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Thank you. Debbie Marin.

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We finally, you guys have been very patient. You, your media people sitting here all day waiting for finally the last item on this.

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On on our agenda. So this goes back to the question I raised when we first started. Where is the statutory?

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Support for us addressing this issue in this manner because that's where it should start. I the rules amplify what the law says.

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And if we're putting in rules where there's no law, I don't know how they stand.

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And maybe the reason we're having this discussion is because of the evolution of media. Both of you guys discussed about, you know, there's new media, there's not just legacy media, you know, things are evolving, things are changing.

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We need to kind of address what that will be. And that is such a huge issue beyond this that I don't know if we can address what that will be.

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And that is such a huge issue beyond this that I don't know if we can address it in the observer area.

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A media can come in and observe like anyone else, write what they observe in their newspaper or talk about it on their broadcast, but I don't know if they should have at this point there's nothing in the law that gives them a special place in the observer language and we haven't even started to talk about AI

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yet. So, you know, there's a, there's a lot and we, we really do need to get on it.

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And, but I don't know if we're the place to do it. I, I'm wondering if this should be taken up with the legislature so that the law can reflect, you know, the reality that we're living in now.

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As opposed to what it used to be in the fifties or sixties. Okay, that's it.

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Thank you. And yeah, I think, you know, an additional additional clarifying law on, this point certainly would be useful.

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I think You know, there is a limitation on who can be present within a polling place and it's basically election, election officials.

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Voters and observers. So I think that's the motivation to include, you know, a section of meet for media, within this observer rule.

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But again, you know, whether, you know, maybe if you know the comment that the commission should not be specifically regulating media here is something I think the commission would consider as well.

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It is in the the old draft document it is in the election rules at a glance document commission is used for for many years and it is also the historic practice to have you know at least some presence of media in in polling places so i think it's really the challenges how either to represent that in

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this rule. Or you know how to you know ensure that you know the needs of observers are respected but still also respecting the freedom of the press at the same time.

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So that really is the you know the balance that you know, we're hoping to helping to strike here, but it's again an issue that the commission is going to need to be.

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Making the decision on Ryan

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Yeah, and just sort of like an anecdotal offshore not long as not anecdotal offshoot but an offshoot of this conversation is obviously the legislature is very sensitive.

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Around the scopes of rules as they were submitted. Anything that goes beyond that, I, I can see Jay Carr raising issues with it and potentially kabashing the whole thing.



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So I would just hope that the commission considers that as well.

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Thank you. Yes, and I think certainly you know, the intent here is to regulate, you know, media under 7.4 one as election observers.

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Again, even if even if the section was Struck media would still be permitted to. Observe elections there simply wouldn't be, you know, any, language, differentiating between, you know who can use video and camera.

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Within a polling place I think is what would be lost in that in that case. Any other questions or comments on media observers?

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And then any other, overall comments on the rules as a whole or anything that you would like, the commission to hear when it considers this, this rule again.

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Diane Conan.

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Yeah, I'll try and be brief on this. So some of the things that I had heard were, how, chief inspectors or polling or election inspectors, whatever their title is.

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Or role I should see at the poll being rude or not accommodating. And what I wanna say is I think that the commission should really think about this.

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So. Training by work. So municipal, staff and even poll workers, get trained by Weck.

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And they give us best practices and guidelines, etc. But in my 25 years, they have barely touched at all on observer rules.

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And possibly I do my own training as well as poll workers and I do touch on it a lot. But possibly many clerks do not touch on it either.

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So, you know, because observing is part of the process and should be welcomed by accommodating to the best of our ability and at the observation locations.

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Should not be met by a defensive attitude by the election officials at the poll or not even at the polls could be in the clerk's office, but that could be directly related to the lack of training.

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On observers. They may not always be confident in their knowledge based on not much training and they don't wanna make a mistake.

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They want to appear confident at the poll. They're in charge. They're supposed to supervise.

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And so sometimes because of not enough experience or knowledge. They may come off as being very defensive and just say no to a lot of things they shouldn't be saying no to.

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So, I think that in today's political environment, I think training on observers, especially now with these new, I guess training on observers, especially now with these new, I guess rules we're putting together, especially now with these new, I guess rules we're putting together or laws, etc.

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It's, I think, now with these new, I guess rules we're putting together or laws, etc.

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It's, I think it' how the workers at the poll should. Address and work with observers and making accommodations as well for any type of disability.

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So that's all I have to say.

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Thank you. And yes, I do think that's a good idea. That if these rules, you know, if we're able to get this promulgated and enforced by 2024 which is the hope for this for this rule that the commission could also create you know the commission could also create you know update guidance create new guidance

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and create you know update guidance create new guidance and create trainings. You know, that I have for going forward with these rules.

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Thank you. David Kronig.

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Thanks. Just one, brief comment, which is 10 note. That nothing in this draft and addresses observer conduct during curbside voting, which I think might be something worth.

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Yeah, I'm considering for future iterations of this draft and but mostly just wanted to thank everyone on this committee.

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For a really good discussion and for the seriousness with which everyone took this and for the seriousness and for a really good discussion and for the seriousness and with which everyone took this and to thank Brandon and commission staff.

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And because I know putting this together, is a ton of work.

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Thank you. Any other general comments for the commission?

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Okay, I don't see any hands. Ken Brown.

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Just very quickly once again to cap off. I really appreciate. The fact that some of the issues that we had here and were seen and across the state.

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We're taking seriously enough by WEC. To put together this committee to bring all of these issues forward to go through them one by one and have a chance to really clean this up.

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I would follow up with that that I do not support mandatory training of whole whole observers because for a lot of people, this is their very first.

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Step into being participating in the election process and they can actually learn. Simply by being quiet and sitting off to the side they could be handed a booklet at the at the polling location and work from there.

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Again, thank you to everyone for participating and thank you to the WC for putting this together.

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Thank you. And I would just like again to thank all of the committee members here. I think this you know these comments and this feedback is tremendously helpful.

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So I will be reading every single line, in the minutes and in the comments and trying to.

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You know, improve and adapt. This draft document for the commission when it next considers these rules and we will be, you know, going through, you know, line by line with the commission as well, talking about, you know, this draft and which sections they're going to, you

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know, alter and support and ultimately approve for the final rule. So for all committee members, I would also invite you to send any, you know, additional thoughts or comments that you want the commission to consider.

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You can do that by email. I will also send a follow-up email. Probably tomorrow morning, after this meeting.

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So that anyone can, you know, get any final thoughts, to the commission, before they meet again on this rule.

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And I'll probably put, about 2 week window, for giving additional written comments for the commission.

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I anticipate the commission next taking this up I believe August fourth. It may not finish the entire rule in one meeting.

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I could see this taking multiple meetings just given time constraints of commissioners. But again I very much thank everyone for being here today.

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It's a long meeting but extremely helpful. And I really appreciate all of your perspectives and comments today.

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So thank you and I hope you have a good evening and happy Fourth of July.