



Wisconsin Elections Commission

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Wisconsin Elections Commission

Quarterly Meeting

Wisconsin Capitol Building, Room 412E

Madison, Wisconsin

10:00 a.m. September 11, 2024

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Carrie Riepl, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all in person.

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

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:11 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

Chair Jacobs acknowledged the impact of the events of September 11, 2001.

C. Public Comment

Chair Jacobs announced each speaker would have three minutes to provide comment.

Julie Seegers

Julie Seegers provided comments opposing the promulgation of the EL Chapter 4 Observer Rule Emergency Scope Statement. She also expressed dissatisfaction with associated aspects of the Election Day "Pocket Guide."

Commissioner Millis and Commissioner Spindell followed up with questions.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Eileen Newcomer

Eileen Newcomer appeared on behalf of the League of Women Voters Wisconsin and provided comments in support of the EL Chapter 4 Observer Rule Emergency Scope Statement. She noted that she also submitted written comments.

Chrissa LaPorte

Chrissa LaPorte appeared on behalf of Verified Voting and provided comments in support of the post-election voting equipment audit procedures outlined in the “November General Election Status Update” Report. She noted that she also submitted written comments.

Sam Liebert

Sam Liebert appeared on behalf of All Voting is Local and presented comments in support of the EL Chapter 4 Observer Rule Emergency Scope Statement.

Chair Jacobs noted that apparent issues with the Zoom recording were not intentional.

Bianca Shaw

Bianca Shaw appeared on behalf of All Voting is Local and called for Commissioner Spindell’s resignation.

Commissioner Spindell followed up with questions.

D. Written Comments

Chair Jacobs noted that the Commission had received numerous written comments.

E. Approval of Previous Meeting Minutes

1. August 27, 2024

MOTION: Approve the August 27, 2024, minutes.

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

Motion carried 6-0.

F. Presentation of “November General Election Status Update” Report

The Commission took up this item after Item N.

Administrator Meagan Wolfe presented the report. She noted its draft status and sought feedback from the Commission.

Discussion.

G. Review and Potential Action Relating to the 2025-2027 WEC Biennial Budget

Chief Administrative Officer Sharrie Hauge presented a broad overview of the budget process and outlined the thirteen decision items the Commission had approved for inclusion at its June 27, 2024, meeting.

Discussion.

MOTION: Approve submitting the 2025-2027 biennial budget request which will continue current agency operations and add thirteen-decision items.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

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

Motion carried 5-1.

H. CRM Licensing Renewal

Technology Director Ahna Barreau outlined the memo regarding the renewal of Microsoft Dynamics CRM.

Discussion.

MOTION: The Wisconsin Elections Commission approves the purchase of licensing renewal and software assurance for Microsoft Dynamics CRM 364 through September 30, 2027, for 3,020 users at a total cost of \$287,745.60.

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

Motion carried 6-0.

I. Discussion, Review, and Possible Action Pertaining to Clerk Communications **1. Best Practices for Polling Place Challenges and Election Day “Pocket Guide”**

The Commission took up this item after they returned from closed session.

Chief Legal Counsel Jim Witecha acknowledged feedback on the pocket guide submitted by members of the public prior to the meeting and welcomed feedback from the Commission.

Discussion.

The Commission agreed that the guide should be rewritten to focus on challenge procedures. They also noted that if the permanent observer rule moved ahead, staff should create an updated “Observer Rules at a Glance” document. Chair Jacobs directed staff to bring a draft brochure outlining challenge procedures to the Commission at the October 4, 2024, meeting.

2. Best Practices for Planning for Polling Place Emergencies Related to New Statute 5.25(3)

The Commission took up this item after Item H.

Attorney Witecha presented the agenda item.

Chair Jacobs suggested including law enforcement officers and emergency services personnel in the definition of a “proper person.”

MOTION: Approve the clerk communication and attachments. Amend definition of “proper person” to include law enforcement and emergency personnel.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

3. Supplement to Election Day and Election Administration Manuals Pertaining to Military and Overseas Voters

Staff Attorney Angela Sharpe presented the agenda item. She clarified that the clerk communication before the Commission would have the same effect as manual guidance but would not be incorporated into the manuals until after the November election, as many clerks had already printed manuals with the August, 2024, updates.

Discussion.

MOTION: The Wisconsin Elections Commission approves the changes to the Election Day and Election Administration manuals that are described by this memo as a supplement to those manuals and directs staff to communicate the changes with all clerks. After the November 2024 election, staff are directed to implement these updates, which can include formatting, numbering, and other scrivener’s edits, and to revise the edition dates on each manual.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

J. Consideration and Potential Action of Hart Voting Equipment Certification

The Commission took up this item after Item K.

Elections Specialist Cody Davies reviewed the memo associated with the agenda item.

Hart representatives Elisabeth Spring, Krista Terry, and Lawrence Leach appeared. Chair Jacobs noted that Commissioners had the opportunity to observe the equipment prior to the meeting.

Discussion.

Commissioner Spindell clarified with staff that the recommended certification did not include the results transmission component, as Hart InterCivic could not coordinate its testing.

Discussion.

MOTION: The Wisconsin Elections Commission adopts the recommendations for approval of Hart InterCivic Group, Inc.'s Application for Approval of Verity Voting 2.7 voting system in compliance with US EAC certification number HRT-Verity-2.7, including the conditions described above.

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

K. Presentation of Voter Registration Outreach Efforts following Approved Exception to ERIC Eligible But Unregistered (EBU) Mailers

Public Information Officer Riley Vetterkind presented the agenda item.

Discussion.

MOTION: For those Elections Commissioners who are interested, that a final presentation be made by the agency prior to the implementation of the program.

Moved by Commissioner Spindell.

Commissioner Millis seconded the motion with the understanding that time is of the essence and a request that the Commissioners be exempt from the informal rule that all Commissioners be available for the meeting. Chair Jacobs objected to this request and stated she would never approve exemptions to that rule.

Discussion.

Commissioner Spindell stated he would not accept Commissioner Millis's stipulations as a friendly amendment.

Commissioner Millis withdrew his second.

Motion failed for want of a second.

L. Administrative Rulemaking:

1. EL Chapter 4 Observer Rule – Consideration of Final Draft Language for Permanent Rule

Staff Attorney Brandon Hunzicker provided an overview of changes made to the rule language based on public comment and comments from the Legislative Council's Rules Clearinghouse.

Commissioner Millis clarified with Attorney Hunzicker that the recommended motion assumed agreement with the changes made by the Legislative Council's Rules Clearinghouse and would approve all subsequent steps in the rule promulgation process.

MOTION: Staff shall finalize the rule order and text in Appendix B and finalize the report to the legislature in Appendix A according to the discussion during today's meeting. Staff shall then submit the proposed report, rule, and associated documents to the governor for approval and notify the JCRAR of the submission. If the rule is approved, staff shall submit the rule and all necessary documents to the Legislature, the Rules Clearinghouse, and with a notice of submission to the LRB for publication. Upon completion of the legislative review process under § 227.19, staff shall file the final rule with LRB under § 227.20.

Moved by Commissioner Thomsen. Seconded by Commissioner Millis.

Discussion.

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

Motion carried 5-1.

2. EL Chapter 4 Observer Rule Emergency Scope Statement Discussion of Possible Approval

Attorney Hunzicker briefed Commissioners on where matters stand with respect to an emergency scope statement concerning election observers.

Discussion.

Commissioner Millis clarified with Attorney Hunzicker that the recommended motion would not commit the Commission to further action, and that JCRAR could only suspend a rule once it was published and had taken effect.

Discussion.

MOTION: The Wisconsin Elections Commission has received and reviewed all public commentary for scope statement SS 072–24, relating to an emergency rule for election observers. As the body with policymaking powers over the subject matter of the proposed rule, the Commission hereby approves the statement of scope under Wis. Stat. 227.135(2).

Moved by Commissioner Millis. Seconded by Commissioner Riepl.

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

Motion carried 5-1.

3. EL Chapter 19 Judicial Privacy Protection Rule – Review and Approval of Public Hearing and Comment Period on Scope Statement

Attorney Sharpe briefed Commissioners on where matters stand with respect to a scope statement regarding judicial privacy protection.

Discussion.

MOTION: As the body with policy-making powers over the subject matter of the proposed rule, the Commission accordingly approves the scope statement as written. The Commission further directs staff to begin drafting proposed rule language for this scope statement to be reviewed and approved by the Commission at an upcoming meeting.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

4. EL Chapter 7 Voting Equipment Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

5. EL Chapter 13 Election Inspector / Special Voting Deputy Training Rule Order, Economic Impact Analysis, and Draft Public Hearing Notice

Attorney Sharpe presented agenda items L.4. and L.5. together.

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

Commented [JW1]: Should this and references to the "rule" be plural, given they were taken up together?

Department of Administration, the governor, and to the chief clerks of each house of the Legislature. Staff shall submit the Draft Rule Orders and EIAs and Fiscal Estimates to the Legislative Council's Rules Clearinghouse. Since the Commission will not be able to submit the rules to the Legislature pursuant to Wis. Stat. § 227.19 before the scope statement expires on October 4, 2024, the Commission reauthorizes the rulemaking on these topics and directs staff to bring new scope statements and notices of public hearing and comment periods for Commission review at the next available meeting.

Moved by Commissioner Millis. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

M. Review and Potential Action Relating to Administrative Complaint Forms

Attorney Hunzicker presented the agenda item.

Commissioner Millis suggested changing the formatting of "5.06 (Violations of or Appeals of Decisions of Election Officials)" to "5.06 (Violations by Election Officials or Appeals of Decisions of Election Officials)." Chair Jacobs agreed with this change.

Discussion.

MOTION: The Commission approves the attached complaint form as edited by staff in a manner consistent with the discussion during today's meeting. Staff shall make the form available on the Commission website and update the instructions to facilitate proper use of the form.

Moved by Commissioner Bostelmann. Seconded by Commissioner Riepl.

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

Motion carried 6-0.

N. Voter Felon Audit

Technology Director Ahna Barreau presented the agenda item.

Chair Jacobs noted there was no action item.

Discussion.

O. Staff Update

The Commission scheduled two meetings:
- Wednesday, September 18th at 8:30 a.m.

- Tuesday, September 24th at 1:30 p.m.

Administrator Wolfe noted that most of the updates in this item were detailed in Item F, "Presentation of 'November General Election Status Update' Report"

Discussion.

P. Closed Session

The Commission took up this item after Item J.

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

Moved by Commissioner Millis. Seconded by Commissioner Bostelmann.

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

Motion carried 6-0.

The Commission left open session at 12:32 p.m. and returned at 2:00 p.m. They then moved on to Item I.1.

Q. Adjourn

MOTION: To adjourn.

Moved by Commissioner Spindell. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission adjourned at 4:24 p.m.

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September 11, 2024, Wisconsin Election Commission meeting minutes prepared by:



Anna Langdon, Help Desk Staff

October 4, 2024

September 11, 2024, Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

October 4, 2024