



Wisconsin Elections Commission

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Wisconsin Elections Commission
Special Teleconference Meeting
201 W. Washington Avenue, Second Floor
Madison, Wisconsin
9:00 a.m. September 14, 2023

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Joseph J. Czarnecki, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

Staff present: Kennedy Cutts, Joel DeSpain, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela O'Brien, Riley Vetterkind, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Millis called the meeting to order at 9:02 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Discussion and Possible Action Regarding Implementation of *Braun v. WEC* Decision

Chief Legal Counsel Jim Witecha provided an overview of the materials and recommended motions before the Commission.

Discussion.

MOTION: That the Commission prescribe acceptance of the NVRA form for voters seeking to register in the State of Wisconsin.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

Discussion.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Commissioner Jacobs withdrew her motion.

MOTION: Staff is directed to present to the Commission a solution that contemplates prescribing the National Mail Voter Registration Form in compliance with Wisconsin law, to be provided to us in a meeting in the next 30-45 days.

Moved by Commissioner Jacobs. Seconded by Commissioner Thomsen.

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

Motion carried 5-1.

MOTION: Recommended motions 1, 2, and 3:

Recommended Motion 1: The Wisconsin Elections Commission directs staff to remove the “NVRA Tips for Clerks” document from the agency website, edit the “Election Administration Manual” as recommended by staff in Exhibit A, and to edit or remove the October 15, 2019, training as necessary to comply with the decision and order in *Braun*. These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.

Recommended Motion 2: The Wisconsin Elections Commission approves the clerk communication included in Exhibit B and directs staff to distribute it via electronic mail and website posting.

Recommended Motion 3: The Wisconsin Elections Commission approves the draft communication to the United States Election Assistance Commission proposed by WEC staff as Exhibit C in the meeting materials. Staff are directed to forward the letter to the Executive Director of the EAC and take any action necessary to ensure compliance with *Braun v. WEC*.

Moved by Commissioner Spindell. Seconded by Chair Millis.

FRIENDLY AMENDMENT: Update the language of the clerk communication to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Proposed by Commissioner Jacobs. Agreed to by Commissioner Spindell and Chair Millis.

FRIENDLY AMENDMENT: Update the language of the communication to the United States Election Assistance Commission to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Proposed by Commissioner Jacobs. Agreed to by Commissioner Spindell and Chair Millis.

Discussion.

AMENDED MOTION: Recommended motions 1, 2, and 3:

Recommended Motion 1: The Wisconsin Elections Commission directs staff to remove the “NVRA Tips for Clerks” document from the agency website, edit the “Election Administration Manual” as recommended by staff in Exhibit A, and to edit or remove the October 15, 2019, training as necessary to comply with the decision and order in *Braun*. These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.

Recommended Motion 2: The Wisconsin Elections Commission approves the clerk communication included in Exhibit B and directs staff to distribute it via electronic mail and website posting. The language of the communication will be updated to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

Recommended Motion 3: The Wisconsin Elections Commission approves the draft communication to the United States Election Assistance Commission proposed by WEC staff as Exhibit C in the meeting materials. Staff are directed to forward the letter to the Executive Director of the EAC and take any action necessary to ensure compliance with *Braun v. WEC*. The language of the communication will be updated to reflect the language of the first motion: “These changes will remain in effect until such time as the Commission proscribes use of the National Mail Voter Registration Form in Wisconsin, or the Commission or a competent court of law determines the form to be lawful for use in Wisconsin.”

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

Motion carried 6-0.

D. Closed Session

Chair Millis clarified that the Commission took Items C and D out of the order they appeared on the agenda. He noted that the Commission did not plan to reconvene into open session.

MOTION: To adjourn into closed session pursuant to Wis. Stat. 19.85(1)(g). The Commission will convene in closed session at 10:00 a.m.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

Motion carried 6-0.

The Commission moved into closed session at 9:52 a.m.

E. Adjourn

The Commission adjourned in closed session at 10:25 a.m.

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September 14, 2023, Wisconsin Election Commission meeting minutes prepared by:

Anna Langdon, Help Desk Staff

September 14, 2023

September 14, 2023, Wisconsin Election Commission meeting minutes certified by:

Joseph J. Czarnezki, Commission Secretary

November 2, 2023

DRAFT