



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

---

**Wisconsin Elections Commission**  
Special Teleconference Meeting  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
6:00 p.m. November 18, 2020

Open Session Minutes

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

**Staff present:** Meagan Wolfe, Richard Rydecki, Sharrie Hauge, Robert Kehoe, Reid Magney, Nathan Judnic, Jim Witecha, and Jacob Walters, all by teleconference

**A. Call to Order**

Commission Chair Ann Jacobs called the meeting to order at 6:00 p.m. and called the roll. All Commissioners were present.

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

Administrator Meagan Wolfe informed the Commission that proper notice was given for the meeting.

**C. Discussion of Recount Procedures and Guidelines**

Chairwoman Jacobs began by providing a brief introduction as to why this meeting was called – that reasoning being, the filing of a recount petition by the Trump campaign – and also provided an overview of the statutory provisions governing how a recount is conducted. Administrator Wolfe continued with specifics as to who is responsible for conducting the recount as well as with specifics regarding the recount processes and procedures.

Discussion.

**MOTION:** With the exception of paragraph #4 and with the insertion of the word “is” between “\$2,809,682.12” and the word “required” in the third preambulatory paragraph, so it reads “...\$2,809,682.12 is required...,” the Wisconsin Elections Commission approves the Order for Recount as drafted.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

*Wisconsin Elections Commissioners*

Ann Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

---

Administrator  
Meagan Wolfe

Discussion.

**MOTION TO AMEND:** Paragraph #4 shall be included and it is to read:

The recount shall be conducted using the procedures set forth in Wis. Stat. § 9.01, those established by the Wisconsin Elections Commission’s Recount Manual, and public health guidance included as an Appendix to the Recount Manual, which are incorporated into this Order by reference herein. If necessary, the Wisconsin Elections Commission will issue supplemental directions regarding the procedures to be used by each county’s Board of Canvassers and will communicate those directions to County Clerks via its website.

**MOTION TO AMEND (CONTINUED):** “Wisconsin Elections Commission” is to be defined as the six-member governing body of the agency and decisions on this matter will be made jointly and by majority.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

**MOTION:** To table the motion at hand in its entirety.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

Discussion.

Administrator Wolfe reviewed with the Commission the proposed changes to the August 2018 Recount Manual.

**MOTION:** On page 5 of the Recount Manual, under the section titled “Who May Attend the Recount?”, the below sentence is to be added to the end of the first paragraph:

The recount statute does not specifically dictate how many individuals must be allowed to observe a recount, but it is clear that the ballot and materials must be available for candidates and their representatives to view so that they may offer any objections they have to a ballot being counted. Wis. Stat. § 9.01(1)(b)11.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

**MOTION TO AMEND:** That the sentence, “The right to observe the recount shall not be infringed by any local health ordinance.” be included at the end of this addition.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote on the motion to amend:

Bostelmann:	Aye	Glancey:	No
Jacobs:	No	Spindell:	Aye
Knudson:	Aye	Thomsen:	No

Motion to amend failed 3-3.

Discussion.

Roll call vote on the original motion:

Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** On page 5 of the Recount Manual, under the section titled “Who May Attend the Recount?”, the below sentences are to be added to the end of the second paragraph:

Public health guidance should be considered by the board of canvassers when setting up the recount location and observation areas. Social distancing, the use of face coverings and hand hygiene should all be clearly communicated to the individuals that will be attending the recount in person to ensure the safety of everyone involved in recount. The board of canvassers will need to appropriately balance public health guidance and the candidate’s/representative’s right to view ballots and materials and lodge any objections to the counting of a ballot. (See Public Health Guidance starting on Page 16 of the Appendix to this manual). Any challenges to the procedure established by the board of canvassers regarding observation should be decided by the board and documented in the minutes. The optional use of a live video feed to provide greater transparency and minimize the number of individuals observing in person should also be considered.

Moved by Commission Thomsen. Seconded by Commissioner Glancey.

**FRIENDLY AMENDMENT:** That the third sentence of the additional paragraph read, “The board of canvassers must allow the candidate’s/representative’s right to view ballots and materials and lodge any objections to the counting of a ballot.”

Proposed by Commissioner Spindell.

Discussion.

**FRIENDLY AMENDMENT:** Removal of the third and fourth sentence:

The board of canvassers will need to appropriately balance public health guidance and the candidate's/representative's right to view ballots and materials and lodge any objections to the counting of a ballot. (See Public Health Guidance starting on Page 16 of the Appendix to this manual).

Proposed by Commissioner Knudson.

Discussion.

**AMENDED FRIENDLY AMENDMENT:** Removal of the third sentence, "The board of canvassers will need to appropriately balance public health guidance and the candidate's/representative's right to view ballots and materials and lodge any objections to the counting of a ballot."

Amended by Commissioner Thomsen. Accepted by Commissioner Glancey.

**AMENDED MOTION RESTATED:** On page 5 of the Recount Manual, under the section titled "Who May Attend the Recount?", the below sentences are to be added to the end of the second paragraph:

Public health guidance should be considered by the board of canvassers when setting up the recount location and observation areas. Social distancing, the use of face coverings and hand hygiene should all be clearly communicated to the individuals that will be attending the recount in person to ensure the safety of everyone involved in recount. (See Public Health Guidance starting on Page 16 of the Appendix to this manual). Any challenges to the procedure established by the board of canvassers regarding observation should be decided by the board and documented in the minutes. The optional use of a live video feed to provide greater transparency and minimize the number of individuals observing in person should also be considered.

Restated by Chairwoman Jacobs.

Roll call vote on the amended motion restated:

Bostelmann:	Aye	Glancey:	Aye
Jacobs:	Aye	Spindell:	Aye
Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

**MOTION:** On page 5 of the Recount Manual, the third paragraph is approved as follows:

The board of canvassers shall exercise reasonable control over the conduct of the recount to assure that the canvassers and tabulators do not experience interference from any person observing the recount. All persons who are not under the supervision of the board of canvassers are considered observers and are subject to the observer guidelines established by the Wisconsin Elections Commission in this manual and the board of canvassers. To clearly identify candidate

representatives, all observers shall wear badges or nametags identifying themselves and their role (candidate, media, etc.). This procedure allows individuals assisting the board of canvassers to quickly identify candidate representatives who are provided the ability to view and identify ballots and election materials for purposes of raising an objection to the counting of a ballot with the board of canvassers.

Moved by Commissioner Glancey. Seconded by Commissioner Knudson.

Discussion.

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

Motion carried 6-0.

**MOTION:** On page 6 of the recount manual, at the end of the final paragraph of the section titled “Who May Attend the Recount?” (directly above the section “Recount Preparations”), the below sentence is to be added:

Refusal to comply with reasonable health and safety protocols as established by the board of canvassers during the recount could disrupt the recount, but the board of canvassers should address these situations on a case-by-case basis.

Moved by Commissioner Glancey. Seconded by Commissioner Thomsen.

Discussion.

Withdrawn by Commissioner Glancey.

The meeting recessed at 9:07 p.m.

The meeting resumed at 9:23 p.m.

Administrator Wolfe explained that the rationale behind the significant changes to page 8 of the recount manual was to preemptively answer questions that WEC staff have been frequently fielding from clerks.

Questions for Administrator Wolfe and discussion.

**MOTION:** The revisions on page 8 of the Recount Manual are not approved.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	No
	Jacobs:	No	Spindell:	Aye
	Knudson:	Aye	Thomsen:	No

Motion failed 3-3.

**MOTION:** The revisions on page 8 of the Recount Manual are accepted.

Moved by Commissioner Glancey. Seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann:	No	Glancey:	Aye
	Jacobs:	Aye	Spindell:	No
	Knudson:	No	Thomsen:	Aye

Motion failed 3-3.

Discussion.

**MOTION:** At the bottom of page 9 of the Recount Manual, the revisions to footnote 7 are accepted.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

Question called by Commissioner Thomsen.

Roll call vote:	Bostelmann:	No	Glancey:	Aye
	Jacobs:	Aye	Spindell:	No
	Knudson:	No	Thomsen:	Aye

Motion failed 3-3.

Administrator Wolfe gave the Commission an overview of the WEC memorandum on public health guidance. This memorandum was drafted in consultation with staff from the Wisconsin Department of Health Services and addresses relevant factors to consider when conducting a recount during a viral pandemic.

**MOTION:** The Wisconsin Elections Commission approves the WEC staff memorandum on public health guidance as drafted.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Discussion.

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

Motion carried 6-0

**MOTION:** To resume discussion of the previously tabled motion concerning the Order for Recount and the wording of paragraph #4.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

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

Motion carried 6-0.

**ORIGINAL MOTION:** With the exception of paragraph #4 and with the insertion of the word “is” between “\$2,809,682.12” and the word “required” in the third preambulatory paragraph, so it reads “...\$2,809,682.12 is required...,” the Wisconsin Elections Commission approves the Order for Recount as drafted.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

**ORIGINAL MOTION TO AMEND:** Paragraph #4 shall be included and it is to read:

The recount shall be conducted using the procedures set forth in Wis. Stat. § 9.01, those established by the Wisconsin Elections Commission’s Recount Manual, and public health guidance included as an Appendix to the Recount Manual, which are incorporated into this Order by reference herein. If necessary, the Wisconsin Elections Commission will issue supplemental directions regarding the procedures to be used each county’s Board of Canvassers and will communicate those directions to County Clerks via its website.

**ORIGINAL MOTION TO AMEND (CONTINUED):** “Wisconsin Elections Commission” is to be defined as the six-member governing body of the agency and decisions on this matter will be made jointly and by majority.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

**MOTION:** With the insertion of the word “is” between “\$2,809,682.12” and the word “required” in the third preambulatory paragraph, so it reads “...\$2,809,682.12 is required...,” and with paragraph #4 amended to read, “The recount shall be conducted using the procedures set forth in Wis. Stat. § 9.01.,” the Wisconsin Elections Commission approves the Order for Recount as drafted.

Moved by Commissioner Glancey. Seconded by Commissioner Thomsen.

Discussion.

**FRIENDLY AMENDMENT:** Removal of paragraph #4 in the Order for Recount entirely.

Proposed by Commissioner Spindell. Accepted by Commissioner Glancey,

**AMENDED MOTION:** With the insertion of the word “is” between “\$2,809,682.12” and the word “required” in the third preambulatory paragraph, so it reads “...\$2,809,682.12 is required...,” and with

paragraph #4 removed entirely, the Wisconsin Elections Commission approves the Order for Recount as drafted.

Discussion.

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

Motion carried 6-0.

## **D. Status of Post-Election Voting Equipment Audits**

Deputy Administrator Richard Rydecki summarized for the Commission the post-election voting equipment audit memorandum. In it, Commission staff outline three options by which municipalities can meet the reporting requirements for the audit while still, at the same time, fulfilling the obligations of a recount. The memorandum also explains that the audit itself has been paused until further information has been received regarding the parameters of a potential recount.

Discussion.

**MOTION:** The Commission approves the procedures outlined for the three options listed in the staff memorandum, except for extending the deadline to submit audit documentation to November 30, 2020, and instructs staff to communicate these standards to the impacted counties and municipalities. Further, should the vote total for any candidate in the audited reporting unit differ by more than 0.1% from the machine count total, or if the candidate receiving the greatest number of votes changes, the Wisconsin Elections Commission directs that a statewide audit be conducted of all the voting equipment made by that manufacturer.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Chairwoman Jacobs determined that the second half of Commissioner Knudson's motion concerning voting equipment audits by manufacturer was outside the scope of what is noticed for this meeting.

**MOTION (RESTRICTED SCOPE):** The Commission approves the procedures outlined for the three options listed in the memorandum, except for extending the deadline to submit audit documentation to November 30, 2020, and instructs staff to communicate these standards to the impacted counties and municipalities.

Discussion.

**FRIENDLY AMENDMENT:** That the deadline for submitting audit documentation be changed from November 25, 2020 to November 27, 2020.

Proposed by Commissioner Thomsen. Accepted by Commissioner Knudson.



**AMENDED MOTION (RESTRICTED SCOPE):** The Commission approves the procedures outlined for the three options listed above, instructs staff to communicate these standards to the impacted counties and municipalities, and determines that the deadline for submitting audit documentation shall be November 27, 2020.

Discussion.

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

Motion carried 6-0.

## **E. Adjourn**

**MOTION:** To adjourn.

Moved by Commissioner Glancey. Seconded by Commissioner Spindell.

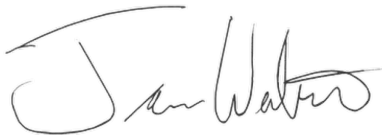
Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

Motion carried 6-0.

The meeting adjourned at 12:09 a.m.

#####

November 18, 2020 Wisconsin Election Commission meeting minutes prepared by:



Jacob Walters, Operations Program Associate

May 6, 2021

November 18, 2020 Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

June 2, 2021