



Wisconsin Elections Commission

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Wisconsin Elections Commission

Teleconference Meeting

212 E. Washington Avenue, Third Floor

Madison, Wisconsin

9:00 a.m. June 10, 2021

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, Nathan Judnic, Jim Witecha, Reid Magney, and Jacob Walters, all by teleconference

A. Call to Order

Commission Chair Ann Jacobs called the meeting to order at 9:04 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 proper notice was given for the meeting.

Regarding the order of the agenda, Chair Jacobs announced that following approval of minutes, the Commission would move to closed session, followed by consideration of the ERIC Movers processes and then the Accessibility Report.

C. Minutes of Previous Meetings

Discussion.

MOTION: Approve the open session minutes of the June 2, 2021, Wisconsin Elections Commission meeting as submitted. Moved by Commissioner Glancey, seconded by Commissioner Thomsen.

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

Motion carried 6-0.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

E. Closed Session

(This item was taken out of order)

Litigation Update -- *State of WI ex rel. Timothy Zignego, et al. v. Wisconsin Elections Commission, et al., (2021 WI 32).*

Commissioner Knudson expressed concern about discussing the Zignego case in closed session.

MOTION: To discuss the Litigation Update in open session. Moved by Commissioner Knudson, seconded by Commissioner Bostelmann.

Discussion.

Roll call vote:

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

Motion failed 3-3.

MOTION: To go into closed session under Wis. Stat. § 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Moved by Commissioner Thomsen, seconded by Commissioner Glancey.

Discussion. All commissioners noted that they were relying on the good faith advice of counsel from the Wisconsin Department of Justice to receive the litigation update in closed session.

Roll call vote:

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

Motion passed 4-2.

The Commission recessed at 9:26 a.m. and convened in closed session at 9:32 a.m.

The Commission recessed in closed session at 12:20 p.m. and reconvened in open session at 12:40 p.m.

Deputy Administrator Richard Rydecki joined the meeting.

F. Consideration of Electronic Registration Information Center Processes

Administrator Wolfe introduced Staff Counsel Nathan Judnic and Technology Director Robert Kehoe, who made presentations based on the ERIC 2021 Movers List Process memorandum, which was contained in the meeting materials packet. The presentations dealt with options for what to do about registered voters who were sent the 2019 ERIC Mover's mailing who have not since voted or confirmed their current registration address, so they currently have a status of "Active-Movers" in the statewide voter registration database. Staff presented several options but made no specific recommendations.

Discussion.

MOTION: The Commission directs staff to complete execution of the current Commission plan related to voters on the 2019 ERIC movers list, as adopted June 11, 2019, with deactivation of any remaining records in Active-Mover status to be performed simultaneously with the 2021 4-year maintenance voter deactivation, except voters who moved within the same municipality should not be deactivated but should remain on Active-Mover status with the watermark on the pollbook. The Commission will issue a clerk communication explaining the Supreme Court's decision and advising clerks of their discretionary authority to deactivate records or restore records to Active-Registered status. A draft clerk communication similar to that displayed in Appendix A will be created to convey this information.

Moved by Commissioner Knudson. Seconded by Commissioner Marge Bostelmann.

Discussion.

MOTION TO AMEND: To add the sentence to the previous motion: "The Commission takes this action in reliance on Wis. Stat. § 5.05(15)."

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Roll call vote on the amendment:

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

Friendly amendment failed 4-2.

Roll call vote on the motion:

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

Motion failed 4-2.

MOTION: To adjourn. Moved by Commissioner Knudson.

Motion failed for lack of a second.

Mr. Kehoe made a presentation based on the ERIC 2021 Movers List Process memorandum regarding options for the 2021 ERIC Movers mailings. Commissioners previously directed staff to prepare plans for quarterly ERIC Movers mailings, and the presentation explained several options the Commission could choose from but did not make a specific recommendation.

Discussion.

MOTION: For the 2021 ERIC mover’s mailings, the Wisconsin Elections Commission approves option #3 as outlined on page 7 of the WEC staff memo. The postcard shall include language informing voters that if they have not responded by July 1, 2022 they may be deactivated. The Commission also approves the continuation of the watermark program and directs staff to solicit the opinions of the chairs of the Joint Committee for Review of Administrative Rules on whether promulgation of an administrative rule is necessary to this end.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Chair Jacobs called a recess at 2:24 p.m.

The Commission reconvened at 3:06 p.m.

Discussion.

MOTION TO AMEND: Instead of saying a voter’s registration may be taken off by the local clerk, say that it must be taken off by the local clerk.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Commissioner Spindell withdrew his motion to amend.

MOTION TO AMEND: The second sentence of the motion is to read, “The postcard shall include language informing voters that if they have not responded by July 1, 2022 their registration will be deactivated by the WEC.”

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.

AMENDMENT OF MOTION: For the 2021 ERIC mover's mailings, the Wisconsin Elections Commission approves option #3 as outlined on page 7 of the WEC staff memo. The postcard shall include language informing voters that if they have not responded by July 1, 2022 they may be deactivated. The Commission also approves the continuation of the watermark program and directs staff to solicit the opinions of the chairs of the Joint Committee for Review of Administrative Rules on whether promulgation of an administrative rule is necessary to this end. Further, this process is only approved for the ERIC mailings of June 30, 2021; September 30, 2021; and December 31, 2021.

Amendment offered by Commissioner Knudson. Accepted by Commissioner Spindell.

MOTION: To divide the question.

Moved by Commissioner Glancey. Seconded by Commissioner Jacobs.

Roll call vote on the motion to divide the question:

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

Motion failed 6-0.

Roll call vote on the motion, as amended by Commissioner Knudson:

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

Motion failed 3-3.

MOTION: The Wisconsin Elections Commission approves option #1 as presented on page 7 of the WEC staff memo.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

Discussion.

MOTION TO AMEND: The Commission authorizes the continuation of the watermark program and approves the postcard design presented on page 13 of the WEC staff ERIC memo. This postcard will also include a tear-off return postcard for voters to update their registration.

Moved by Commissioner Jacobs. Seconded by Commissioner Glancey.

Roll call vote on the motion to amend:

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

Motion carried 4-2.

FRIENDLY AMENDMENT: Removal of the phrase, "...and goes no further" from the first sentence of option #1 on page 9 of the Commission meeting materials packet.

Proposed by Commissioner Jacobs. Accepted by Commissioner Thomsen.

Commissioner Jacobs suggested that this mailing would apply only to the 2021 ERIC mailing dates of June 30th, September 30th, and December 31st. This suggestion was accepted by Commissioner Thomsen.

MOTION REPHRASED: The Commission directs staff to perform a mailing that meetings the requirements of the ERIC agreement. That is, the Commission directs staff to provide a postcard notification to voters with a tear-off return postcard for voters to confirm their registration with their clerk. The Commission also authorizes the use of the watermark program. The Commission approves the draft clerk communication attached as appendix B and the draft postcard design attached as appendix C. This process is only approved for the 2021 ERIC mailings of June 30, 2021; September 30, 2021; and December 31, 2021.

Rephrased by Commissioner Jacobs. Approved by Commissioner Thomsen.

Roll call vote on the rephrased motion:

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

Motion failed 3-3.

Discussion.

MOTION: The Commission approves option #3 as presented on page 7 of the WEC staff memo, however the Commission substitutes clerk communication appendix D for clerk communication appendix F. The Commission also approves the use of the watermark program in addition to providing voters with the option of confirming their registration on the MyVote Wisconsin website.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Discussion.

Motion withdrawn by Commissioner Knudson. Commissioner Bostelmann concurred.

Discussion.

MOTION: For the 2021 ERIC mover’s mailings, the Wisconsin Elections Commission adopts the following criteria:

1. The watermark indicating a potential ERIC-mover voter shall remain on the poll list for those voters.
2. Draft postcard option 2 (Figure A), adding the tear off card from page 18 of the staff memorandum (Figure B), and adding the language “Vote in the next election where you can confirm with poll workers that you have not had a change of address” from page 13 of the staff memo to draft postcard option 2.

Figure A:

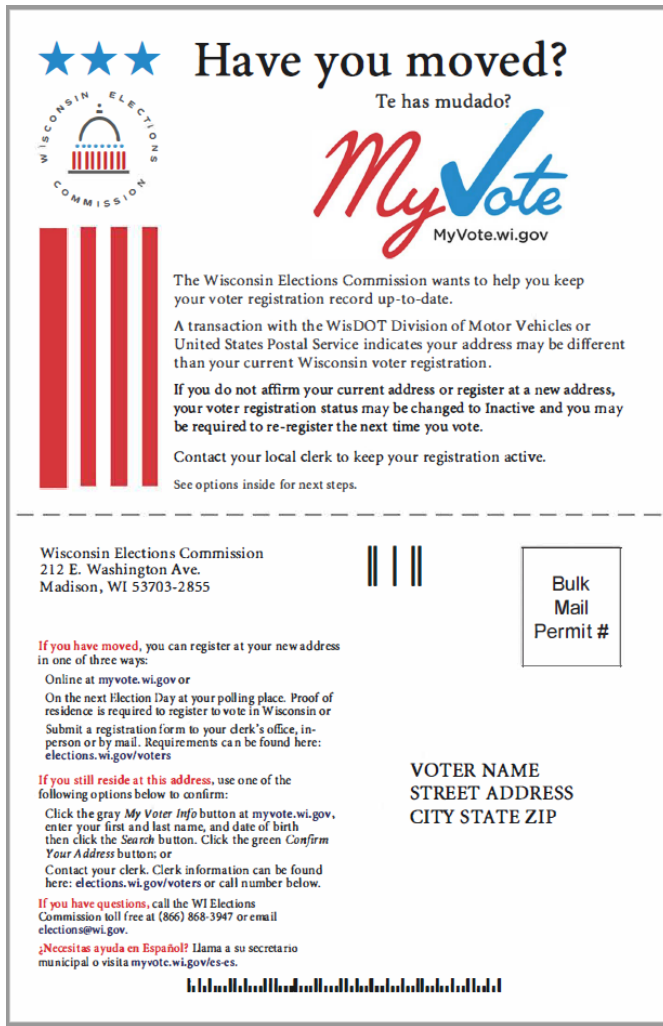
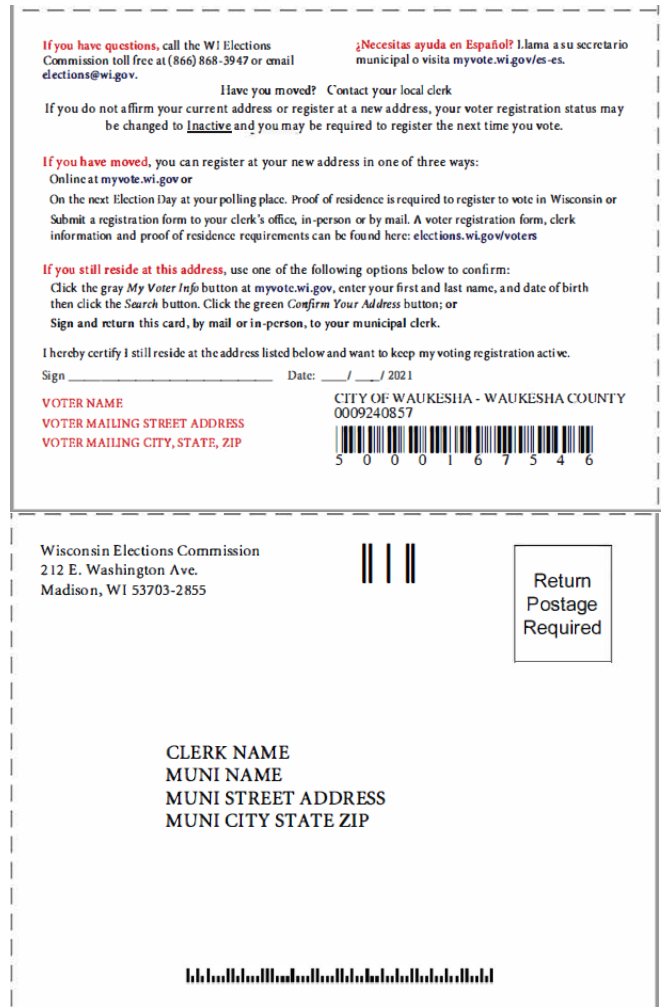


Figure B:



3. This motion applies to the 2021 mailing seen in table 4 on page 8 of the ERIC memo.
4. For clerk guidance, the Commission adopts the language in Appendix D, adding the language on the 30-day notice requirement found in Appendix F, excluding the sentence that begins “If the postcard...”:

This week, the WEC mailed approximately XXX,XXX postcards to Wisconsin residents who were identified as potentially moving. As part of Wisconsin’s membership in ERIC, the WEC is required to contact voters who ERIC has flagged as having potentially moved. ERIC obtains data

from a variety of sources, such as Wisconsin motor vehicle records, voter registration and motor vehicle records from participating states, and the National Change of Address (NCOA) database from the U.S. Postal Service.

A similar mailing was previously done in the summer of 2019. Beginning in 2021, WEC staff are implementing the Movers process on a quarterly basis. There are three mailings planned in 2021. This first mailing will be the largest as the last Movers mailing was in 2019. The next mailings are planned for September 30, 2021 and December 31, 2021 respectively.

The postcard notifies voters that a transaction with WisDOT Division of Motor Vehicles or NCOA indicates their address may be different than their voter registration address. Voters who received the postcard and have moved, may choose to register online, by mail, at their clerk's office, or at their polling place on the next Election Day.

The voter records identified for this mailing will remain active but will have an updated status reason of "Movers" and will appear as "Active/Movers" in WisVote. Clerks have discretion to assess each case individually and may elect to deactivate records or restore the record to "Active/Registered" status. *Clerks must still send a 30-day notice letter to voters before deactivating records.* Once the 30-day notice comes back as undeliverable then it would be handled normally, and clerks can inactivate the voter record.

Decisions to modify these voter records are to be made by clerks at the municipal level. You may want to contact your municipal attorney for assistance in interpreting applicable statutes.

The postcard includes a toll-free number which routes them to the WEC Help Desk. Some voters may contact their municipal or county clerk in response to this postcard. This mailing is not being tracked in WisVote and will not result in any voter records being deactivated by WEC.

If you have any questions regarding the 2021 ERIC Movers mailings, please contact the Elections Help Desk at elections@wi.gov or 608-261-2028.

5. Staff is directed to add language instructions for clerks about what they should do if the voter moves within the municipality.

Moved by Commissioner Thomsen. Seconded by Commissioner Knudson.

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

Motion carried 6-0.

D. Consideration of Accessibility Report

(This item was taken out of order.)

Administrator Wolfe summarized the Wisconsin Elections Commission's 2020-2021 Impediments Faced by Elderly Voters and Voters with Disabilities report. She noted that due to the coronavirus pandemic, staff were not able to meet the goal of 500 polling place accessibility reviews during the 2020 election cycle, however 46 site reviews were able to be completed. Administrator Wolfe went over the results of these site reviews and other aspects of the report.

MOTION: The Commission directs staff to finalize and submit the 2020-2021 Impediments Faced by Elderly Voters and Voters with Disabilities report, barring any changes. Should any changes be made to the report, they will need Commission review and approval.

Moved by Commissioner Spindell.

Motion fails for lack of a second.

MOTION: The Commission authorizes staff to finalize and submit the 2020-2021 Impediments to Voting Report pending any changes requested by the Commission. Staff shall also consider and incorporate any feedback from the Accessibility Advisory Committee into the final report before submission.

Moved by Commissioner Glancey. Seconded by Commissioner Thomsen.

Discussion.

FRIENDLY AMENDMENT: Should any changes be made to the report after having received Commission approval, it shall be indicated that these changes were made post-Commission approval.

Proposed by Commissioner Knudson. Accepted by Commissioners Glancey and Thomsen.

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

Motion carried 5-1.

G. Adjourn

MOTION: To adjourn.

Moved by Commissioner Glancey. Seconded by Commissioner Bostelmann.

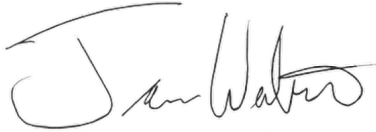
Roll call vote:	Bostelmann:	Aye	Glancey:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Aye

The motion carried 6-0.

The meeting adjourned at 5:09 p.m.

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June 10, 2021 Wisconsin Election Commission meeting minutes prepared by:



Jacob Walters, Operations Program Associate

June 11, 2021

June 10, 2021 Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

September 9, 2021