



# Wisconsin Elections Commission

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**Wisconsin Elections Commission**  
Quarterly Meeting (Teleconference)  
212 E. Washington Avenue, Third Floor  
Madison, Wisconsin  
9:00 a.m. September 9, 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, Riley Willman, and Jacob Walters, all by teleconference

**A. Call to Order**

Commission Chair Ann Jacobs called the meeting to order at 9:03 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.

**C. Minutes of Previous Meetings**

Chairwoman Jacobs stated that before the Commission is the approval of the minutes for its June 10, 2021 meeting.

**MOTION:** To approve the June 10, 2021 meeting minutes.

Moved by Commissioner Glancey. Seconded by Commissioner Knudson.

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

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Administrator  
Meagan Wolfe

## **D. Personal Appearances**

**Barry Burden**, professor of political science at UW-Madison and director of the university's Elections Research Center, appeared and presented to the Commission a report on the 2020 elections in Wisconsin.

**Barbara Beckert** with Disability Rights Wisconsin (DRW) appeared and asked that the Commission decertify the Vote-PAD currently used in Adams County, thanked the Commission for recommendations addressing Special Voting Deputies in care facilities, and provided DRW's own recommendations regarding SVD's.

Commissioner Spindell followed with questions.

**Eileen Newcomer** with the League of Women Voters (LWV) appeared and applauded the Commission's stance on elections during a time fraught with controversy, asked that the Commission decertify the Vote-PAD, and requested that the Commission approve the project staff positions being requested to assist with redistricting.

**Pegi Christianson** of Milwaukee appear and advocated for the abolishment of the electoral college, as she feels it is no longer necessary.

**Jonathon Voss** of Delavan appeared expressed his dissatisfaction with the Wisconsin Elections Commission and asked that it be disbanded, abolished, and that staff be relieved of their duties. He also requested that the voting equipment manufacturers Dominion, ES&S, and Sequoia be abolished and outlawed.

**Nicholas Dalton** of Appleton appeared and shared his concerns regarding potential updates to ES&S voting systems, asking that the systems not be updated and that they be left "intact" until all audits are complete.

Commissioner Spindell stated that as several individuals who have requested to speak have not been able to speak when called upon, perhaps the process for public comment should be improved.

**Stephanie Brown** of Pierce County appeared and shared with the Commission her sentiments that Wisconsin's voter rolls are not being managed properly and that the requirements of Wisconsin's ERIC agreement are not being followed.

**Micah Roberts** of Mukwonago appeared and voiced his concerns regarding updates to ES&S voting systems, asking that the information on these systems be preserved while the state conducts its investigations into the 2020 election.

One more attempt was made to try and find individuals that requested to speak that could not be found initially in the participant gallery.

Commissioner Spindell, Chairwoman Jacobs, and Administrator Wolfe discussed the current public comment process.

## **E. Consideration/Approval of ES&S Electronic Voting Systems EVS 6.0.4.3**

Election Administration Specialist Robert Williams began with an overview of the ES&S Electronic Voting System (EVS) being considered for approval by the Commission today, EVS 6.0.4.3. He described this as an update to the previously approved EVS 6.0.4.0, and noted that this system now requires voters using the Express Vote Tabulator to eject their ballot prior to casting, as opposed to simply giving them the option to do so. It was this deficiency that, in 2019, prevented the Express Vote Tabulator from being approved, as it was not in compliance with Wis. Stat. § 5.91(15).

At this time, Election Administration Specialist Cody Davies appeared and reviewed for the Commission the functional testing results of EVS 6.0.4.3. Mr. Davies stated that by in large these results were unremarkable and that a majority the ballots were processed without issue, however some anomalies did present themselves. Election Administration Specialist Davies informed the Commission that not all ballots marked with green ink were treated consistently across all three machines and that some ballots with intentional slight resting marks were processed inconsistently as well.

Mr. Davies also spoke to the public demonstration of this equipment and of the Voting Equipment Review Panel that both occurred on August 12, 2021.

Administrator Wolfe briefly addressed what the Commission is, and what the Commission is not, voting on today. She emphasized that what's before the Commission is not about erasing voting equipment; it is about certifying new voting systems that would be available for purchase to local clerks.

After a brief discussion, Account Manager Kyle Weber, State Certification Manager Mark Manganaro, and Senior Vice President of Security Chris Wlaschin appeared on behalf of ES&S and were available to answer questions and provide comment.

Discussion.

**MOTION:** The Wisconsin Elections Commission adopts the staff's recommendations for approval of the ES&S voting system's Application for Approval of EVS 6.0.4.3 in compliance with US EAC certificate ESSEVS6043 including the conditions described below:

1. WEC staff recommends approval of ES&S voting system EVS 6.0.4.3 and components of this system, including the ExpressVote Tabulator set forth in Appendix A and H. This voting system accurately completed the three mock elections as required by Wis. Stat. § 5.91 and Wis. Admin. Code § EL 7.02(1) and was able to accommodate the voting requirements of the Wisconsin election process.
2. WEC staff recommends approval of the ExpressLink application software and ballot style printer as part of the WEC's approval. While this product lacks EAC certification, the component performed successfully when evaluated under a Commission approved test protocol.
3. WEC staff recommends that as a continuing condition of the WEC's approval, ES&S may not impose customer deadlines contrary to requirements provided in Wisconsin Statutes, as determined by the WEC. In order to enforce this provision, local jurisdictions purchasing ES&S equipment shall also include such a provision in their respective purchase contract or amend their contract if such a provision does not currently exist.

4. WEC staff recommends that as a continuing condition of the WEC's approval, that voting systems purchased and installed as part of EVS 6.0.4.3 be configured in the same manner in which they were tested, subject to verification by the Commission or its designee. Once installed, the configuration must remain the same and may not be altered by ES&S nor by state, county, or municipal officials except as approved by the Commission.
5. WEC staff recommends that election inspectors continue to check both the write-in bin, where applicable, and main ballot bin for validly cast write-in votes after the close of polls in each election, and not rely upon the optional write-in report.
6. WEC staff recommends that any absentee ballot returned by the tabulation equipment with an overvote or crossover vote notification must be reviewed by election inspectors prior to being overridden or remade. If necessary, ballots must be remade pursuant to approved procedures listed in the Election Day and Election Administration manuals.
7. WEC staff recommends that any absentee ballot returned which has been marked with green ink be remade by election inspectors pursuant to the procedure outlined in Wis. Stat. § 5.85(3) prior to any attempt at processing on the tabulation equipment.
8. WEC staff recommends that ballots marked with the ExpressVote in ballot marking mode be included as part of the pre-election public test.
9. WEC staff recommends that the ExpressVote Tabulator be required to be publicly tested prior to each use in an election as voting equipment that records and tabulates votes.
10. WEC staff recommends that as a continuing condition of the WEC's approval, that this system must always be configured to include the following options:
  - a. Automatic rejection of crossover and overvoted ballots with or without the option to override.
  - b. Automatic rejection of all improper ballots except blank ballots.
  - c. Digital ballot images shall be captured for all ballots tabulated by the system.
  - d. Require the return of ExpressVote Tabulator ballot cards for physical review prior to casting.
  - e. Provide visual warning messages, utilizing Commission approved language, to voters when overvotes and crossover votes are detected.
11. As part of US EAC certificate: ESSEVS6043, only equipment included in this certificate can be used together to conduct an election in Wisconsin. Previous versions that were approved for use by the former Elections Board and the G.A.B. are not compatible with the new ES&S voting system and are not to be used together with the equipment seeking approval by the WEC, as this would void the US EAC certificate. If a jurisdiction upgrades to EVS 6.0.4.3, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein.
12. WEC staff recommends that as a condition of approval, ES&S shall abide by applicable Wisconsin public records laws. If, pursuant to a proper public records request, the customer receives a request for matters that might be proprietary or confidential, customer will notify

ES&S, providing the same with the opportunity to either provide customer with the record that is requested for release to the requestor, or shall advise customer that ES&S objects to the release of the information, and provide the legal and factual basis of the objection. If for any reason, the customer concludes that customer is obligated to provide such records, ES&S shall provide such records immediately upon customer's request. ES&S shall negotiate and specify retention and public records production costs in writing with customers prior to charging said fees. In absence of meeting such conditions of approval, ES&S shall not charge customer for work performed pursuant to a proper public records request, except for the "actual, necessary, and direct" charge of responding to the records request, as that is defined and interpreted in Wisconsin law, plus shipping, handling, and chain of custody.

13. The Wisconsin application for approval contains a condition that requires the vendor to reimburse the WEC for all costs associated with the testing campaign and certification process. ES&S agreed to this requirement on the applications submitted to WEC on April 27, 2021 requesting the approval of EVS 6.0.4.3.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

**MOTION TO AMEND:** That approval of the ES&S EVS 6.0.4.3 be conditioned on its installation to new installations only.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Commissioner Knudson withdrew his motion to amend. Commissioner Spindell concurred with Commissioner Knudson's withdrawal of his motion to amend.

**MOTION TO AMEND:** That the last sentence of #11, "If a jurisdiction upgrades to EVS 6.0.4.3, it needs to upgrade each and every component of the voting system to the requirements of what is approved herein," be struck from Commissioner Thomsen's motion to approve ES&S EVS 6.0.4.3, thereby restricting its application to new installations only.

Moved by Commissioner Knudson. Seconded by Commissioner Spindell.

Discussion.

Roll call vote on the motion to amend:

**POINT OF ORDER:** Commissioners were reminded that discussion cannot occur during a vote.

Raised by Commissioner Knudson.

Roll call vote on the motion to amend:

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

Motion carried 4-2.

**AMENDED MOTION:** The Wisconsin Elections Commission adopts the staff's recommendations for approval of the ES&S voting system's Application for Approval of EVS 6.0.4.3 in compliance with US EAC certificate ESSEVS6043 including the conditions described below:

1. WEC staff recommends approval of ES&S voting system EVS 6.0.4.3 and components of this system, including the ExpressVote Tabulator set forth in Appendix A and H. This voting system accurately completed the three mock elections as required by Wis. Stat. § 5.91 and Wis. Admin. Code § EL 7.02(1) and was able to accommodate the voting requirements of the Wisconsin election process.
2. WEC staff recommends approval of the ExpressLink application software and ballot style printer as part of the WEC's approval. While this product lacks EAC certification, the component performed successfully when evaluated under a Commission approved test protocol.
3. WEC staff recommends that as a continuing condition of the WEC's approval, ES&S may not impose customer deadlines contrary to requirements provided in Wisconsin Statutes, as determined by the WEC. In order to enforce this provision, local jurisdictions purchasing ES&S equipment shall also include such a provision in their respective purchase contract or amend their contract if such a provision does not currently exist.
4. WEC staff recommends that as a continuing condition of the WEC's approval, that voting systems purchased and installed as part of EVS 6.0.4.3 be configured in the same manner in which they were tested, subject to verification by the Commission or its designee. Once installed, the configuration must remain the same and may not be altered by ES&S nor by state, county, or municipal officials except as approved by the Commission.
5. WEC staff recommends that election inspectors continue to check both the write-in bin, where applicable, and main ballot bin for validly cast write-in votes after the close of polls in each election, and not rely upon the optional write-in report.
6. WEC staff recommends that any absentee ballot returned by the tabulation equipment with an overvote or crossover vote notification must be reviewed by election inspectors prior to being overridden or remade. If necessary, ballots must be remade pursuant to approved procedures listed in the Election Day and Election Administration manuals.
7. WEC staff recommends that any absentee ballot returned which has been marked with green ink be remade by election inspectors pursuant to the procedure outlined in Wis. Stat. § 5.85(3) prior to any attempt at processing on the tabulation equipment.
8. WEC staff recommends that ballots marked with the ExpressVote in ballot marking mode be included as part of the pre-election public test.

9. WEC staff recommends that the ExpressVote Tabulator be required to be publicly tested prior to each use in an election as voting equipment that records and tabulates votes.
10. WEC staff recommends that as a continuing condition of the WEC's approval, that this system must always be configured to include the following options:
  - a. Automatic rejection of crossover and overvoted ballots with or without the option to override.
  - b. Automatic rejection of all improper ballots except blank ballots.
  - c. Digital ballot images shall be captured for all ballots tabulated by the system.
  - d. Require the return of ExpressVote Tabulator ballot cards for physical review prior to casting.
  - e. Provide visual warning messages, utilizing Commission approved language, to voters when overvotes and crossover votes are detected.
11. As part of US EAC certificate: ESSEVS6043, only equipment included in this certificate can be used together to conduct an election in Wisconsin. Previous versions that were approved for use by the former Elections Board and the G.A.B. are not compatible with the new ES&S voting system and are not to be used together with the equipment seeking approval by the WEC, as this would void the US EAC certificate.
12. WEC staff recommends that as a condition of approval, ES&S shall abide by applicable Wisconsin public records laws. If, pursuant to a proper public records request, the customer receives a request for matters that might be proprietary or confidential, customer will notify ES&S, providing the same with the opportunity to either provide customer with the record that is requested for release to the requestor, or shall advise customer that ES&S objects to the release of the information, and provide the legal and factual basis of the objection. If for any reason, the customer concludes that customer is obligated to provide such records, ES&S shall provide such records immediately upon customer's request. ES&S shall negotiate and specify retention and public records production costs in writing with customers prior to charging said fees. In absence of meeting such conditions of approval, ES&S shall not charge customer for work performed pursuant to a proper public records request, except for the "actual, necessary, and direct" charge of responding to the records request, as that is defined and interpreted in Wisconsin law, plus shipping, handling, and chain of custody.
13. The Wisconsin application for approval contains a condition that requires the vendor to reimburse the WEC for all costs associated with the testing campaign and certification process. ES&S agreed to this requirement on the applications submitted to WEC on April 27, 2021 requesting the approval of EVS 6.0.4.3.

Discussion.

Roll call vote on the amended motion:

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

Motion carried 5-1.

The Commission recessed at 12:27 p.m.

## **F. Updated Telecommunication Testing Protocols**

The Commission reconvened at 1:02 p.m.

Election Administration Specialist Riley Willman was no longer in attendance.

Prior to recessing, Commission Chair Ann Jacobs requested that WEC staff determine a reasonable timeframe for ES&S to return before the Commission to discuss EVS 6.0.4.3 as it relates to software upgrades, and that an item be added to a future agenda to discuss voting equipment data retention practices. Administrator Wolfe informed the Commission that October 20, 2021 and December 2, 2021 would be potential dates to return to these topics. She also added that the Commission could hold a special meeting in November.

Discussion.

Election Administration Specialist Davies went over the history of the WEC's telecommunications testing protocols, explained the process by which voting equipment and their components are reviewed at the federal level and the standards this equipment is measured against, and concluded with a summary of the proposed updates to the telecommunications protocol. This information had been requested at the Commission's June 2, 2021 meeting. Administrator Wolfe, Deputy Administrator Rydecki, and Election Security Lead Tony Bridges were also present to answer questions and provide comment.

Questions and discussion.

**MOTION:** To adopt the redline revisions of the WEC telecommunications testing protocol as presented to Commissioners by WEC staff.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

**MOTION TO AMEND:** To direct that WEC staff examine the utilization of private cellular networks to transmit unofficial election night results via modem from polling places.

Motion fails for lack of a second.

Discussion.

Roll call vote on the original motion:

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

Motion carried 4-2.

## **G. Potential Decertification of Voting Systems: Vote-PAD and ES&S Unity 3.0.1.0**

Deputy Administrator Rydecki presented an overview of the Vote-PAD accessible voting system and noted that it is currently in use in only one county in the United States, Adams County, Wisconsin. He continued by listing concerns from clerks and former State Elections Board staff that were voiced at the Vote-PAD's initial certification in 2006 and that still exist today, and concluded with the WEC staff's recommendation that the Vote-PAD be decertified. Deputy Administrator Rydecki also shared WEC staff's recommendation that the ES&S voting system Unity 3.0.1.0 be decertified as well, as the Unity Election Management Suite runs on an operating system that is no longer supported by the manufacturer and for which security updates are no longer issued.

**MOTION:** The Wisconsin Elections Commission adopts the staff recommendation to decertify the Vote-PAD accessible voting system effective December 31, 2021.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Discussion.

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

Motion carried 6-0.

Discussion.

Administrator Wolfe and Election Administration Specialist Williams also answered commissioner questions and provided comment.

**MOTION:** The Wisconsin Elections Commission adopts staff recommendation to decertify ES&S Unity 3.0.1.0 electronic voting system version effective December 31, 2022.

Moved by Commissioner Knudson. Seconded by Commissioner Glancey.

Discussion.

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

Motion carried 6-0.

## **H. Redistricting Preparations**

Geographic Information Systems (GIS) Specialist Greg Grube appeared before the Commission and began by and summarizing the redistricting process, the parties involved, and what it entails. He continued by touching on the shortened timeframes within which redistricting must be completed,

stemming from the COVID-19 pandemic, and outlined the WEC's role in the process. GIS Specialist Grube concluded by noting that many questions have arisen from clerks concerning redistricting, and he elaborated on some of the current and future preparations being made by WEC staff in advance of redistricting. Administrator Wolfe also highlighted how important mapping is to the redistricting process and the rationale behind WEC staff's request for four project staff positions.

Questions and discussion.

**MOTION:** The Commission grants authority to request up to four \$16.54 project positions with a duration of twelve months at a cost not to exceed \$200,000. WEC staff will create position descriptions and determine appropriate classifications based on immediate redistricting needs.

Moved by Commissioner Thomsen. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 6-0.

The Commission recessed at 2:25 p.m.

## **I. Potential Special Voting Deputy Statutory Changes**

The Commission reconvened at 2:31 p.m.

Deputy Administrator Richard Rydecki appeared and presented on information related to potential statutory changes that would create alternatives to the Special Voting Deputy (SVD) process as it's currently prescribed in statute. This information was originally requested at the Commission's March 2, 2021 meeting.

Deputy Administrator Rydecki reviewed the process as it stands currently, and provided the Commission with some preliminary considerations that were taken into account when conducting this research. He continued by outlining alternative options, each of which was coupled with feedback from clerks and other stakeholders. Administrator Wolfe also briefly spoke to what similar programs look like in other states.

Discussion.

**MOTION:** To provide this report to the Governor's office and to the leaders of the Assembly and Senate.

Moved by Commissioner Thomsen. Seconded by Commissioner Jacobs.

Discussion.

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

Motioned carried 5-1.

**MOTION:** Add to the legislative agenda a provision within statute that SVD's and observers be defined as essential visitors, which would guarantee their entry to facilities to administer absentee voting. They would be required to comply with all reasonable public health requirements of the facility upon entry.

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Discussion.

**MOTION TO AMEND:** To restrict the scope of this motion to SVD's only and to remove "public" from "public health requirements."

Moved by Commissioner Knudson. Seconded by Commissioner Bostelmann.

Discussion.

Roll call vote on the motion to amend:

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

Motion to amend carried 6-0.

**AMENDED MOTION:** Add to the legislative agenda a provision within statute that SVD's be considered essential visitors, which would guarantee their entry to administer absentee voting, and they must comply with all reasonable health requirements and procedures of the facility upon entry.

Discussion.

**MOTION TO AMEND:** To also send a letter to the Governor asking him to establish that SVD's are essential workers.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Commissioner Spindell withdrew his motion to amend.

Roll call vote on the amended motion:

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

Amended motion carried 6-0.

Discussion.

**MOTION:** That a letter be sent to the Governor requesting that the Governor classify Special Voting Deputies as essential workers.

Moved by Commissioner Spindell.

Motion failed for lack of a second.

Discussion.

**MOTION:** That a letter be sent to the Governor to request the Governor and his administration define Special Voting Deputies as essential visitors, which would guarantee their entry to administer absentee voting, and they must comply with all reasonable health requirements and procedures of the facility upon entry.

Moved by Commission Knudson. Seconded by Commissioner Spindell.

Discussion.

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

Motion carried 6-0.

## **J. Four-Year Voter Record Maintenance Process Report**

Technology Director Robert Kehoe appeared before the Commission and summarized WEC staff's memorandum on the results from the most recent four-year voter record maintenance performed. He stated that all statutory requirements have been met and highlighted some noteworthy statistics from the report.

This agenda item did not contain any decision items.

## **K. Electronic Registration Information Center (ERIC) Processes**

Technology Director Kehoe and Administrator Wolfe informed the Commission that the 2019 movers process is now completed and reviewed final statistics. He went on to review the 2021 movers process and any noteworthy statistics related to that, and concluded with an overview of the ERIC participation process.

Commissioner Spindell followed with questions.

This agenda item did not contain any decision items.

## **L. CRM License Renewal Approval**

Technology Director Robert Kehoe explained to the Commission what Microsoft's Dynamics Customer Relationship Management (CRM) application is and how it's integral to WisVote's user interface. He went on to say that the agency's current licenses for CRM will soon expire and that approval to renew its licenses is being requested.

Commissioner Spindell followed with questions.

**MOTION:** The Wisconsin Elections Commission approves the purchase of licensing renewal and software assurance for Microsoft Dynamics CRM 365 for 3,020 users at a total cost of \$417,316.20.

Moved by Commissioner Bostelmann. Seconded by Commissioner Glancey.

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

Motion carried 6-0.

The Commissioner recessed at 4:21 p.m.

## **M. WEC Website Redesign Project**

The Commission reconvened at 4:31 pm.

Administrator Wolfe briefly informed the Commission of where things stand with respect to the redesign of the WEC's main website, elections.wi.gov. She went on to illustrate the opportunities this redesign presents with respect to security, functionality, and organizational improvements.

Questions and discussion.

## **N. Annual Review of Delegation of Authority to Administrator**

There were no presentations given by WEC staff on this agenda item.

**MOTION:** That the delegation of authority be left as is.

Moved by Commissioner Thomsen. Seconded by Commissioner Glancey.

Discussion.

Commissioner Thomsen withdrew his motion. Commissioner Glancey concurred with Commissioner Thomsen's withdrawal of his motion.

Discussion.

**MOTION:** That the first paragraph of the delegation of authority be amended to read:

Pursuant to the Commission Administrator's role as agency head and the State's chief election official, the Wisconsin Elections Commission on September 9, 2021 delegated the authority for these enumerated duties while retaining responsibility and authority over all others:

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.

**O. Consideration/Action on Whether a Special Session will be Called for Review of the *David Bolter v. Milwaukee Elections Commission et al***

Staff Attorney Jim Witecha began with opening remarks and summarized the decision before the Commission today. That decision being whether to hold a special hearing in regards to the complaint of *David Bolter v. Milwaukee Elections Commission et al* pursuant Wis. Stat. § 227, or to let the process remain within the delegation of authority.

Questions and discussion.

**MOTION:** That a special hearing be held pursuant to Wis. Stat. § 227 concerning the complaint of *David Bolter v. Milwaukee Elections Commission et al*.

Moved by Commissioner Spindell. Seconded by Commissioner Knudson.

Discussion.

Roll call vote:	Bostelmann:	Aye	Glancey:	No
	Jacobs:	No	Spindell:	Aye
	Knudson:	Aye	Thomsen:	Never

Motion failed 3-3.

**POINT OF ORDER:** Commissioners were reminded that their only options for voting are "Aye," "No," or to abstain.

Raised by Commissioner Knudson. Accepted by Chairwoman Jacobs.

Commissioner Thomsen's vote was amended to indicate "No."

## P. Closed Session

**MOTION:** Move to closed session pursuant to Wis. Stat. §§ 19.851 and 19.85(1)(g) to discuss violations of election law and confer with counsel concerning litigation.

Moved by Commissioner Bostelmann. Seconded by Commissioner Thomsen.

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

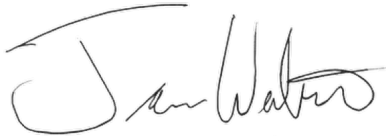
Motion carried 6-0.

The Commission reconvened in closed session at 6:00 p.m.

The Commission adjourned in closed session at 6:38 p.m.

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September 9, 2021 Wisconsin Election Commission meeting minutes prepared by:



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Jacob Walters, Operations Program Associate

September 11, 2021

September 9, 2021 Wisconsin Election Commission meeting minutes certified by:



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Marge Bostelmann, Commission Secretary

October 20, 2021