STATE OF WISCONSIN
GOVERNMENT ACCOUNTABILITY BOARD

IN THE MATTER OF THE RECALL OF SENATOR SCOTT FITZGERALD,
THIRTEENTH STATE SENATE DISTRICT

CERTIFICATE OF SUFFICIENCY AND ORDER

I, Kevin J. Kennedy, Director and General Counsel of the Government Accountability Board ("Board"), pursuant to §9.10(3)(b) of the Wisconsin Statutes, certify that:

1. On January 17, 2011, a petition to recall State Senator Scott Fitzgerald, from the office of State Senator representing the 13th Senate District, was offered for filing with the Board pursuant to Article XIII, Section 12 of the Wisconsin Constitution and §9.10 of the Wisconsin Statutes.

2. A minimum of 16,742 signatures of qualified electors of the 13th State Senate District are required for the Board to file the petition and order a recall election.

3. On January 30, 2012, Dane County Circuit Judge Richard G. Niess extended the deadline for filing a challenge to the sufficiency of the petition to February 9, 2012, and the deadline for certification of the petition by the Board to March 19, 2012. On March 14, 2012, the Court further extended the deadline for certification of the petition by the Board to March 30, 2012.

4. On February 9, 2012, Senator Scott Fitzgerald filed a challenge to the sufficiency of the petition. The petitioner filed a rebuttal to the challenge on February 13, 2012. Senator Fitzgerald filed a reply to the rebuttal on February 15, 2012.

5. On March 12, 2012, the Board held a public meeting to review the staff examination of the recall petition and to review the challenge, rebuttal and reply.

6. Based on a careful examination of the recall petition conducted by the Board, including a review of the challenge, the rebuttal, and the reply, the Board found that the petition to recall Senator Scott Fitzgerald contained at least 18,282 qualifying signatures of electors of the 13th State Senate District and, based on that finding, certified that the petition is sufficient to recall Senator Scott Fitzgerald and order a recall election.

7. In making its determination, the Board specifically adopted and approved the legal analysis and conclusions outlined in the staff memoranda dated March 12, 2012, and the accompanying exhibits which are incorporated herein by reference.

8. The Board hereby files the petition pursuant to §9.10(3)(b), Wis. Stats., and a recall election is ordered this 30th day of March, 2012.

9. The recall election shall be held on Tuesday, May 8, 2012. If a primary is necessary, the primary shall be held on that date and the recall election shall be held on Tuesday, June 5, 2012.

10. Persons seeking nomination for the recall election may circulate nomination papers immediately upon issuance of this order, and shall file nomination papers containing a minimum of 400 and maximum of 800 signatures of qualified electors of the 13th State Senate District no later than 5:00 p.m., on Tuesday, April 10, 2011, in the offices of the Government Accountability Board, located at 212 E. Washington Avenue, Third Floor, Madison, Wisconsin.

11. Scott Fitzgerald shall be a candidate at the recall election without nomination unless he resigns from office not later than April 9, 2012.

Dated this 30th of March, 2012 at Madison, Wisconsin.

GOVERNMENT ACCOUNTABILITY BOARD

Kevin J. Kennedy
Director and General Counsel