

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD
GAR Room, 413 North,
State Capitol
Madison, Wisconsin
January 28, 2008
9:30 a.m.

Meeting Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Selected a new GAB Chairman	2
B. Approved consolidation of rules of Elections and Ethics boards	2
C. Approved promulgation and amendment of various administrative rules	3
D. Authorized staff to apply for various elections-related grants	4
E. Designated Nathaniel E. Robinson as GAB representative to the EAC Standards Board	4
F. Approved working title for the GAB Legal Counsel as "Director and General Counsel"	5

Present: Judge Michael Brennan, Judge Thomas Cane, Judge David Deininger, Judge William Eich, Judge James Mohr, Judge Gerald Nichol

Absent: None

Staff present: Jonathan Becker, George Dunst, Barbara Hansen, Sharrie Hauge, Bart Jacque, Kevin Kennedy, Nathan Judnic, Kyle Richmond, Nat Robinson, Tommy Winkler

A. Call to order

Chairman Cane called the meeting to order at 9:40 a.m.

B. Director's report of appropriate notice of meeting

The Director reported that the meeting had been properly noticed.

C. Approval of minutes of the previous meeting

MOTION: Approve minutes of the December 10, 2007 meeting of the GAB.
Moved by Deininger, seconded by Eich. Motion carried.

D. Selection of new GAB chairman by Lot

Judge Brennan asked to comment about the selection of the chairman, and expressed his concern that all members of the Board should be available to serve as chairman.

Chairman Cane drew the name of Judge Deininger to serve as GAB chairman for 2008.

MOTION: Choose the vice chairman and secretary of the GAB by lot.
Moved by Eich, seconded by Mohr. Motion carried.

Chairman Deininger then accepted the gavel and drew the name of Judge Cane to serve as vice chairman, and Judge Nichol to serve as secretary for 2008.

E. Public Comment

1. **Paul Holzem**, former State Ethics Board member, appeared to comment on the future work of the GAB.
2. **David Anstaett**, former State Elections Board member, appeared to comment on the future work of the GAB.
3. **Alicia Boehme**, Disability Rights Wisconsin, appeared to comment about accessible polling sites.
4. **Peter C. Christianson**, lobbyist, appeared to comment on the Board's assignment from the perspective of a lobbyist.
5. **Andrea Kaminsky**, Wisconsin League of Woman Voters, appeared to comment on hopes and expectations for the new GAB.
6. **Paul Malischke** appeared to comment on item J, Administrative Rules and item K, Elections Division response to the Legislative Reference Bureau.
7. **Beverly Speer**, Wisconsin Democracy Campaign, appeared to comment on the hopes and expectations for the new GAB.
8. **Scott Tyre**, Association of Wisconsin Lobbyists, appeared to comment on the future work of the GAB with lobbyists.
9. **Mike Wittenwyler**, lobbyist, appeared to comment on the future work of the GAB.

Judge Eich commented that the public comment section of the GAB agenda, along with the written submissions, was valuable to the Board.

The chairman called a recess at 11:18 a.m. The meeting reconvened at 11:33 a.m.

Hearing no objection, the chairman moved to item J of the agenda.

J. Administrative Rules

(George Dunst)

MOTION: Authorize staff to proceed with the consolidation of the rules of the State Elections Board and the State Ethics Board into the rules of the Government Accountability Board.

Moved by Nichol, seconded by Eich. Motion carried.

MOTION: Authorize staff to add an amendment to Chapter 12 pertaining to requirements for security of ballots as item 12.04 at the appropriate location.

Moved by Eich, seconded by Cane. Motion carried.

MOTION: Authorize staff to proceed with promulgation of EIBd Chapter 12 as amended.

Moved by Eich, seconded by Nichol. Motion carried.

MOTION: Authorize staff to proceed with promulgation of EIBd Chapter 13.

Moved by Eich, seconded by Cane. Motion carried.

MOTION: Authorize staff to proceed with the amendment of EIBd Chapter 10 to apply to election-related complaints and add provisions for informing the complainant with status and disposition reports.

Moved by Cane, seconded by Nichol. Motion carried.

MOTION: Authorize staff to proceed with promulgation of emergency rule repealing inapplicable sections of EIBd Chapter 10.

Moved by Cane, seconded by Nichol. Motion carried.

MOTION: Authorize staff to proceed with promulgation of emergency rule repealing Eth 3.01 and 3.04.

Moved by Nichol, seconded by Cane. Motion carried.

The chairman requested that staff report to the Board at its next meeting regarding Mr. Malischke's recommendations about the availability of ballots.

The chairman called for a lunch break, during which presentations were made to the Board.

F. Demonstration of Web sites

(Jonathan Becker, Bart Jacque, Tommy Winkler)

- Eye on Lobbying
- Eye on Financial Relationships
- Contract Sunshine

Demonstrations were made for informational purposes; the Board took no action.

G. Overview of lobbying law and ethics code
(Jonathan Becker)

Overview was provided for informational purposes; the Board took no action.

The chairman recessed the meeting at 2:15 p.m. and reconvened it at 2:25 p.m.

H. Overview of investigation procedures

MOTION: Adopt a policy which authorizes staff to make preliminary inquiries in order to advise the Board about whether or not to initiate an investigation.
Moved by Eich, seconded by Nichol. Motion withdrawn.

J. Administrative Rules

[Item previously dealt with earlier in the meeting.]

K. Director's Report

Elections Division Report
(Nathaniel E. Robinson)

MOTION: Authorize staff to apply for additional Help America Vote Act (HAVA) Section 251 funds (\$2,111,219 in federal funding, \$111,117 required state funding match) that are made available to states to meet requirements including upgrading voting machines and voter registration databases.
Moved by Cane, seconded by Eich. Motion carried.

MOTION: Authorize staff to apply for Help America Vote Act (HAVA), Section 261 funds (\$201,727) that are made available to states to specifically ensure access for individuals with disabilities.
Moved by Mohr, seconded by Cane. Motion carried.

MOTION: Authorize staff to apply for \$2 million in EAC funds to develop a pilot program to improve the collection, analysis and distribution of election data for federal offices.
Moved by Cane, seconded by Eich. Motion carried.

MOTION: Direct staff to contact the Reedsburg municipal clerk to advise her that the candidate for Reedsburg municipal judge is ineligible to appear on the April 1 Spring Election ballot.
Moved by Eich, seconded by Brennan. Motion carried.

MOTION: Designate Nathaniel E. Robinson as Wisconsin's representative to the Federal Election Assistance Commission's Standards Board.
Moved by Mohr, seconded by Eich. Motion carried.

Ethics and Accountability Division Report
(Jonathan Becker)

Report was made for informational purposes; the Board took no action.

Agency Administration and Legal Issues
(Kevin Kennedy)

MOTION: Approve working title for the GAB Legal Counsel as “Director and General Counsel.”

Moved by Eich, seconded by Nichol. Motion carried.

L. Move to Closed Session

MOTION: Move to closed session pursuant to Sections 5.05(6a), 19.85(g), (h), and 19.851 Wis. Stats. to consider written requests for advisory opinions, the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees, and to confer with counsel concerning strategy with respect to litigation in which the Board is, or is likely to become, involved.

Moved by Eich, seconded by Cane.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Deiningner:	Aye	Eich:	Aye
	Mohr:	Aye	Nichol:	Aye

Motion carried, 6-0.

The Board went into closed session at 3:23 p.m..

MOTION: Adjourn the meeting.

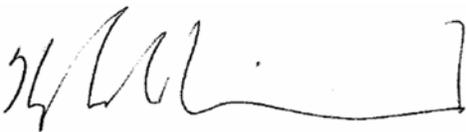
Moved by Cane, seconded by Brennan. Motion carried.

The meeting was adjourned at 4:35 p.m..

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The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Monday, February 25, 2008, in Room 150 of the Risser Justice Center, 120 Martin Luther King Jr. Blvd., Madison, Wisconsin.

GAB minutes were prepared by:



February 14, 2008

Kyle R. Richmond, Public Information Officer

Date