

# State of Wisconsin\Government Accountability Board

Post Office Box 2973  
17 West Main Street, Suite 310  
Madison, WI 53701-2973  
Voice (608) 266-8005  
Fax (608) 267-0500  
E-mail: gab@wisconsin.gov  
http://gab.wi.gov



JUDGE THOMAS CANE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

**WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD**  
**Room 150, Risser Justice Building**  
**120 Martin Luther King, Jr. Boulevard**  
**Madison, Wisconsin**  
**October 6, 2008**  
**9:30 a.m.**

## Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved two and denied two applications for WECF grants.	3
B. Declined to permit the use of blind trusts by state public officials.	4
C. Decided to act on proposed rule on definition of "political purposes" at its November 2008 meeting.	4
D. Requested that staff draft a policy on communications about investigations for review at its December meeting.	4
E. Reaffirmed five former Elections Board formal opinions and two administrative rules relating to conduits.	4
F. Reaffirmed twelve former Elections Board formal opinions and two administrative rules relating to corporations and PACs, declined to affirm one formal opinion relating to corporations and PACs., and held one formal opinion relating to corporations and PACs for further review.	4
G. Reaffirmed two former Elections Board formal opinions relating to earmarking.	4
H. Reaffirmed one former Elections Board formal opinion relating to joint fundraising.	4
I. Approved 2009-2011 biennial budget request.	5

**Present:** Judge Thomas Cane, Judge Michael Brennan, Judge Victor Manian, Judge Gordon Myse, Judge Gerald Nichol

**Absent:** Judge William Eich

**Staff present:** Kevin Kennedy, Jonathan Becker, Nat Robinson, Rich Bohringer, George Dunst, Sharrie Hauge, Ross Hein and Kyle Richmond

**A. Call to order**

Chairman Cane called the meeting to order at 9:33 a.m.

**B. Director's confirmation of appropriate notice of meeting**

The G.A.B. Director informed the Board that a proper notice of meeting was given for the meeting.

**C. Approval of Minutes of Previous Meeting.**

**MOTION:** Approve the minutes of the August 27 and 28, 2008, Government Accountability Board meeting. Moved by Nichol, seconded by Manian. Motion carried.

**D. Public Comment**

1. **Mary Wilson**, League of Women Voters of United State president, appeared to comment about election preparations in the United States and in Wisconsin.
2. **Barbara Burton**, Waukesha, appeared to comment about voter fraud in Wisconsin and the role of the G.A.B.
3. **Ardis Cerney**, Pewaukee, appeared to comment about voter fraud in Wisconsin and the role of the G.A.B.
4. **Mary Ann Hanson**, Brookfield, appeared to comment about voter fraud in Wisconsin and the role of the G.A.B.
5. **Nancy Priebe**, Pewaukee, appeared to comment about entertainment being presented in voting areas during the November 4, 2008, election.
6. **Andrea Kaminski**, League of Women Voters of Wisconsin, appeared to comment about a Milwaukee Police Department report on the 2004 election.
7. **Mike McCabe**, Wisconsin Democracy Campaign, appeared to comment about the staff memo to the Board about GAB 1.28 relating to the definition of "political purposes." Materials related to this topic can be found on page 18 of the G.A.B. meeting packet for the October 6, 2008 meeting.
8. **Mike Wittenwyler**, Association of Wisconsin Lobbyists, appeared to comment about the staff memo to the Board about GAB 1.28 relating to the definition of "political purposes." Materials related to this topic can be found on page 18 of the G.A.B. meeting packet for the October 6, 2008 meeting.
9. **Jay Heck**, Common Cause in Wisconsin, appeared to comment about the staff memo to the Board about GAB 1.28 relating to the definition of "political purposes." Materials related to this topic can be found on page 18 of the G.A.B. meeting packet for the October 6, 2008 meeting.

10. **John Washburn**, Germantown, appear to comment about the application of § 7.23 Stats. – Maintenance of Electronic Voting Records. Materials related to this topic were presented to the Board by a memorandum at the meeting.

Hearing no objections, the Chairman called a recess at 11:25 a.m. and reconvened the meeting at 11:45 a.m.

**E. Wisconsin Election Campaign Fund Grants**  
(presented by Jonathan Becker and Richard Bohringer)

1. **Justin Krueger**

**MOTION:** Approve WECF grant to Krueger. Moved by Nichol, seconded by Manian. Motion carried. Board members agreed to permit Mr. Krueger to use contributions received after primary in order to qualify, because of his contention that staff failed adequately to communicate requirements.

The Chairman requested that the record show that the decision to make the grant was based on individual circumstances and that this approval is not to be viewed as a precedent.

2. **Corrine Weismueller**

**MOTION:** Deny WECF grant to Wiesmueller . Moved by Myse, seconded by Nichol. Motion carried.

3. **Shirl LaBarre**

**MOTION:** Deny WECF grant to LaBarre. Moved by Myse, seconded by Brennan. Motion carried.

4. **Kent Muschinske**

**MOTION:** Approve WECF grant to Muschinske. Moved by Myse, seconded by Nichol. Motion carried.

**F. My Vote Performs**

The Board reviewed plans with Pegi Taylor for performance art to be presented at selected polling places in Milwaukee during the November 4, 2008 election. The Board took no action.

Hearing no objections, the Chairman called a recess at 12:55 p.m. and reconvened the meeting at 1:29 p.m.

**G. Blind Trusts**

**MOTION:** Decline to permit state public officials to be relieved of statutory financial reporting requirements by establishing a blind trust, and require disclosure of all investments by officials who have established a blind trust in their next report, due the April 30, 2009. Moved by Nichol, seconded by Myse.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Manian:	Aye	Myse:	Aye
	Nichol:	Aye		

Motion carried, 5-0.

**H. Proposed Administrative Rule Relating to Definition of “Political Purposes”**

**MOTION:** Direct staff to incorporate the suggestions offered by Mr. McCabe and submit a proposed draft for review at the November 11, 2008 Board meeting. Moved by Myse, seconded by Manian.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Manian:	Aye	Myse:	Aye
	Nichol:	Aye		

Motion carried, 5-0.

**I. Policy on Communications about Investigations**

By consensus, the Board requested that staff draft a policy on communications about investigations for its review at its December 2008 meeting.

**J. Review of Select Former Elections Board Administrative Rules, Operating Procedures and Formal Opinions Related to:**

1. Conduits
2. Corporations and Political Action Committees (PACs)
3. Earmarking
4. Joint Fundraising

**MOTION:** Approve staff recommendations for reaffirmation of all opinions and administrative rules, with the exception of ElBd Op 74-18 which should be not be reaffirmed, and ElBd Op 77-8, which should be held for further staff review. Moved by Myse, seconded by Brennan. Motion carried.

**K. Application of § 7.23 Stats. – Maintenance of Electronic Voting Records**

The Board took no action.

**L. Elections Division Report**

(presented by Nathaniel E. Robinson)

Report received for information purposes only. The Board took no action.

**Ethics & Accountability Division Report**

(presented by Jonathan Becker)

Report received for information purposes only. The Board took no action.

**Office of the General Counsel Report**

(presented by Kevin J. Kennedy and Sharrie Hauge)

**MOTION:** Approve 2009-2011 biennial budget request. Moved by Myse, seconded by Nichol. Motion carried.

**K. Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation:**

**MOTION:** Move to closed session pursuant to Sections 5.05(6a), 19.85(1) (c), (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 confer with counsel concerning pending litigation;. Moved by Nichol, seconded by Manian.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Manian:	Aye	Myse:	Aye
	Nichol:	Aye		

Motion carried.

Hearing no objection, the Chairman called a recess at 3:10 p.m. The Board reconvened in closed session beginning at 3:23 p.m.

Summary of Significant Actions Taken in Closed Session

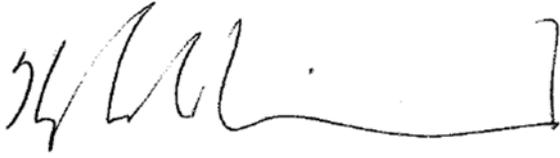
- A. Requests for Advice: Three items considered.
- B. Investigations: Fourteen items considered; ten items closed.

The meeting adjourned at 6:02 p.m.

###

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Tuesday, November 11, 2008, in Room 201 Southeast of the State Capitol, Madison, Wisconsin.

October 6, 2008 Government Accountability Board meeting minutes prepared by:



\_\_\_\_\_  
Kyle R. Richmond, Public Information Officer

October 20, 2008

\_\_\_\_\_  
Date

October 6, 2008 Government Accountability Board meeting minutes certified by:

\_\_\_\_\_  
Judge Michael Brennan, Board Secretary

\_\_\_\_\_  
Date