

Meeting of the Board
Tuesday, January 13, 2015
1:00 P.M.

Agenda
Open Session

Teleconference Meeting

Government Accountability Board Offices
212 East Washington Avenue, Third Floor
Madison, Wisconsin

Tuesday, January 13, 2015

1:00 P.M.

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The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

M. Director's Report

Oral

N. Closed Session

- 5.05 (6a) and 19.85 (1) (h) The Board's deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session.
- 19.85 (1) (g) The Board may confer with legal counsel concerning litigation strategy.
- 19.851 The Board's deliberations concerning investigations of any violation of the ethics code, lobbying law, and campaign finance law shall be in closed session.
- 19.85 (1) (c) The Board may consider performance evaluation data of a public employee over which it exercises responsibility.

The Government Accountability Board has scheduled its next meeting for Wednesday, March 4 and Thursday, March 5, 2015 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m. each day.

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
http://gab.wi.gov



JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
December 16, 2014
9:00 a.m.

Open Session Minutes

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Present: Judge Thomas Barland, Judge Harold Froehlich, Judge Elsa Lamelas,
Judge Timothy L. Vocke (in person) and Judge John Franke and
Judge Gerald C. Nichol (by telephone)

Staff Present: Kevin J. Kennedy, Jonathan Becker, Michael Haas, Ross Hein, Sharrie Hauge,
Nathan Judnic, Reid Magney, Diane Lowe, Marianne Griffin, Jennifer Webb,
Matthew Kitzman, and Brian Bell

A. Call to Order

Chairperson Barland called the meeting to order at 9:04 a.m., and noted that Judge Nichol would be joining the meeting later by telephone.

B. Director's Report of Appropriate Meeting Notice

Director Kevin J. Kennedy informed the Board that proper notice was given for the meeting.

C. Approval of Minutes of Previous Meeting

October 28, 2014 Meeting

MOTION: Approve the minutes of the October 28, 2014 meeting of the Government Accountability Board. Moved by Judge Froehlich, seconded by Judge Lamelas. Motion carried.

D. Personal Appearances

Mary Ann Hanson of Brookfield appeared on her own behalf to discuss ballot design. Based on her experience as a special voting deputy (SVD) in residential care facilities, she said that dark shading between ballot sections is very necessary, and lines between candidate names and the ovals would make it much easier for those voters to mark their ballots. She also said that the print size of referendums was too small and required use of a magnifying glass. She suggested that pronunciation guides developed by the G.A.B. staff for clerks would be helpful to SVDs.

Ms. Hanson, Judge Barland and Director Kennedy discussed print size, the Type C notice which contains an explanatory statement about the meaning of referendum questions, and Ms. Hanson's preference for ovals versus arrows on ballots.

Dane County Clerk Scott McDonell of Madison appeared to discuss ballot design. He said he prefers the new open process for providing feedback on potential design changes, and supports the use of shading and lines. He discussed the importance of standardized ballots, especially in recounts. He urged using scientific evidence in ballot design versus subjective opinions about what may look better.

Judge Barland and Clerk McDonell discussed ovals versus arrows on ballots, type sizes and whether to print on both sides of the ballot to increase type size.

E. LAB Audit

Judge Barland asked Director Kennedy to brief the Board about the Legislative Audit Bureau's audit report, which was released publicly on December 12, 2014.

Director Kennedy said the audit contains recommendations that the Board report to the Joint Legislative Audit Committee by April 15 on its progress on implementing the recommendations. Director Kennedy advised that staff will be prepared to report that with a few exceptions all of the recommendations will have been implemented by that date. He noted that many of the recommendations have already been accomplished; however, it will take most of 2015 to complete the promulgation of administrative rules recommended by LAB.

Judge Barland, Director Kennedy and Elections Division Administrator Michael Haas discussed recommendations regarding the Statewide Voter Registration System, the post-election felon voting audit, and the staff's increased confidence in felon voting referrals to District Attorneys.

Director Kennedy discussed recommendations regarding administrative rules, campaign finance, lobbying and statements of economic interests, and said staff will come back to the Board early next year regarding the schedule for forfeitures.

Director Kennedy and Ethics Division Administrator Jonathan Becker discussed recommendations regarding revocation of lobbying licenses of persons who are delinquent in taxes and child support, as well as forfeitures for late reporting of lobbying activities.

Judge Barland, Director Kennedy and Mr. Becker discussed the types of complaints that staff refers to the Board versus complaints such as those received from prisoners about their incarceration conditions. Mr. Becker said the staff also receives a large number of minor complaints about campaign signs that do not carry the required disclaimer/attribution statement, which are handled administratively.

Judge Lamelas and Mr. Becker discussed the tracking and numbering of complaints.

Judge Barland, Mr. Haas and Director Kennedy discussed suggestions by critics of the agency that it be split into separate elections and ethics agencies again. Director Kennedy noted that one of the reasons the G.A.B. was created in 2007 was to provide one-stop shopping for elections and ethics services to the public and officials.

MOTION: Direct staff to prepare a list of LAB’s recommendations and provide the Board with a report on implementing recommendations at an upcoming meeting. Moved by Judge Froehlich, seconded by Judge Vocke.

Discussion. Judge Franke and Director Kennedy discussed at which meeting staff would update the Board on its progress, and whether the Board should have a discussion of whether it agrees or disagrees with specific recommendations.

Roll call vote: Barland:	Aye	Franke:	Aye
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 5-0.

Judge Lamelas discussed her concerns about the LAB audit report, the Board’s statutory duties, and prioritizing of duties. She asked that staff add information to the statutory duties document about who is responsible for specific duties, and how often it is reported to the Board that the duties are being carried out.

Mr. Haas, Mr. Becker and Director Kennedy discussed Judge Lamelas’ request and what detail of information the Board would like to receive.

MOTION: Direct staff to prepare a report to the Board about its statutory duties with an explanation of who is responsible for each of them, as well as staff’s suggestion of how often to report to the Board that they are being carried out. Moved by Judge Lamelas, seconded by Judge Franke.

Judge Lamelas, Judge Franke and staff discussed the timing of the report. Judge Lamelas said having that report would be helpful in demonstrating that the Board is serious about its duties and meeting them. Judge Lamelas suggested March 1, 2015, and Judge Franke agreed to the amendment.

Roll call vote: Barland:	Aye	Franke:	Aye
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 5-0.

Judge Barland called a recess at 10:50 a.m. The Board reconvened at 11:08 a.m.

Mr. Haas introduced three new Elections Division staff members to the Board and members of the public who were present: Elections Administration Specialists Marianne Griffin and Jennifer Webb and Electronic Voting Systems Election Specialist Matthew Kitzman.

H. Ballot Format for 2015 Spring Election

(This agenda item was taken out of order.)

Lead Elections Specialist Diane Lowe made an oral presentation based on a memorandum on page 29 of the December 2014 Board Meeting Materials. She discussed the history of ballot design in Wisconsin and staff's efforts to make the ballots more usable starting in 2013. This effort included seeking input from clerks and vendors of electronic voting equipment and ballots. She explained that while staff made changes in the recommended ballot templates, clerks were never told they could not deviate from those designs.

Ms. Lowe answered questions from Judge Barland and Judge Lamelas about type sizes, lines between candidates' names and whether the arrow or oval to be marked is justified to the right or the left. Director Kennedy said that unless Wisconsin goes to a uniform system of voting equipment where the Board would specify the ballot design for everyone, there will be variations in ballot design across the state.

Judge Vocke and Dane County Clerk Scott McDonell discussed Dane County's recent transition from arrows to ovals due to the purchase of new voting equipment. Clerk McDonell said some voters liked it and others did not, and that it will take a couple of elections for voters to get used to the new ballot design.

Director Kennedy asked the Board to consider the recommended motion on page 34 of the meeting materials:

The Board directs its staff to apply the following standards with respect to approval of ballot proofs submitted for review by county clerks for the 2015 Spring Primary and Spring Election:

1. Lines between candidates are not recommended but will be permitted. The use of lines between candidate names will continue to be reviewed and additional feedback solicited in advance of the 2016 partisan elections.
2. With respect to other ballot components, require:
 - Use of a sans serif font.
 - Bold print where indicated.
 - Center positioning of ballot title, “Instructions to Voters,” and governmental categories.
 - Left justification of Notice to Voters.
 - Left justification of office title and instructions.
 - Left justification of text in endorsement section, beginning with “Ballot issued by” through the “Certification of Voter Assistance” section.
 - Navigational cues where indicated.
3. With respect to less significant esthetic characteristics, allow for:
 - Bold print with gray shading in place of reverse shading (white on black) for Instructions to Voters and categories.
 - Variations in the appearance of the words “write-in.”
 - Case preference for words “Question,” “Yes,” and “No” in referenda questions and instructions.
 - Centering of municipality and wards in the endorsement section.

MOTION: Adopt the recommended motion except that section 1 is amended to require lines between candidates. Moved by Judge Vocke, seconded by Judge Froehlich.

Judge Lamelas and Judge Vocke discussed whether lines between candidates would be recommended or required, and Judge Vocke said he preferred mandatory lines. Judge Franke said that while he preferred no lines, it is important that candidates’ names be treated as equally as possible.

Roll call vote: Barland:	Aye	Franke:	No
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 4-1.

The Board and staff discussed what to do if a clerk refuses to use lines between candidates and whether it is possible to bring such an issue back to the Board given the tight deadlines for reviewing ballot designs for the Spring Primary. Director Kennedy said it appears the consensus of the Board is to tell clerks that lines are required. Judge Vocke said the Board can deal with any deviation from the standards after the primary.

Director Kennedy discussed with the Board authorization for staff to meet with the political parties regarding design of the ballot for the Special Election in Senate District 20. Board members had no objections. Director Kennedy said the next round of ballots to be approved will be for 2016, and the Board will do that in the fall of 2015 to provide as much lead time as possible.

F. Requests for Statement of Economic Interests Disclosure Waiver

1. Waiver Standards

Mr. Becker made an oral presentation based on a redrafted memo beginning on page 12 of the December 2014 Board Materials. The Board considered this issue at its September and October meetings and asked staff for changes. The memo provides proposed standards for the Board to follow in deciding whether or not to grant a waiver of any financial interest disclosure requirement contained in Wis. Stat. §19.44. The changes reflect Board discussions from its last meeting and are underlined.

Judge Franke said that because he is one of the parties requesting a waiver, he would not participate in the Board's discussion of his request; however, he would like to vote on the standards unless other Board members feel he should not participate. There were no objections.

Judge Vocke asked for some changes to formatting of the memo and suggested the Board take it up at its January 2015 meeting. Mr. Becker said new statements are due very soon. Judge Lamelas suggested Mr. Becker could make the changes over the lunch break.

Judge Franke, Judge Lamelas, Judge Vocke and Mr. Becker discussed paragraph 2 on page 15 of the Board materials regarding attorney disclosure of organizational clients.

Judge Barland called a recess for lunch at 12:12 p.m. The Board reconvened at 1:02 p.m.

Mr. Becker provided the Board with a revised memorandum. Judge Lamelas suggested replacing the term "strict scrutiny" with "closely scrutinize" because of the former's meaning in equal protection law. She also suggested removing the two sentences at the top of page 2 that begin with "Therefore."

MOTION: Adopt Judge Lamelas' proposed changes to the memorandum titled "Standards for Waiver of Financial Disclosure Requirements" for deciding whether or not to grant a request for waiver of any financial interest disclosure requirement contained in Wis. Stat. §19.44, together with Mr. Becker's suggestion that "The Board will give great weight to confidentiality requirements imposed by other sources of law, and changing the final sentence of the memorandum to read that the Board will condition waivers on the requirement for recusal and adopt the memorandum. Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried 5-0.

2. Requests for Waiver

Mitti Den Herder

Mr. Becker said Ms. Den Herder is the Vice Chancellor of Academic Affairs at UW-Platteville. Her husband owns companies that provide the wholesale distribution of telecommunications and cable services, among other things. She has stated that they have more than 2,000 customers that have paid the companies \$10,000 or more in 2013. Mr. Becker said that UW-Platteville does not regulate telecommunications companies.

MOTION: Approve a waiver for Mitti Den Herder from disclosing names of customers of her husband’s company because she is in a position where she has no regulatory authority over any of the companies, disclosure of more than 2,000 customers would be unduly burdensome, and because many of the companies are located out of state. Moved by Judge Vocke, seconded by Judge Froehlich.

Judge Barland asked whether Ms. Den Herder might serve on any building committees for the university that might include telecommunications services. Mr. Becker said that if she were, she would have to recuse herself. Judge Lamelas asked that staff create a central list of waivers granted.

Roll call vote: Barland:	Aye	Franke:	Abstain
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 4-0.

Mark Jinkins

Mr. Becker said Mr. Jinkins is an attorney and a member of the Optometry Examining Board. He requested a waiver last year arguing that as an attorney he could not be required to identify his clients. The Board determined that Supreme Court Rule 20:1.6(c)(5) did not prohibit a lawyer from disclosing the identity of clients in order to comply with Wis. Stats. §§19.43 and 19.44, but that staff inform Mr. Jinkins that he could request a waiver. Mr. Jinkins then filed his Statement indicating that he had no clients to report because he had not received the threshold amount of income from any client. Mr. Jinkins requests a waiver again because he apparently disagrees with the Board’s earlier legal conclusion.

MOTION: Deny Mark Jinkins’ request for a waiver because he has not shown any basis for one. Moved by Judge Vocke, seconded by Judge Lamelas.

Roll call vote: Barland:	Aye	Franke:	Abstain
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 4-0.

John Franke

Judge Barland asked whether Judge Franke’s request was for all three classes of clients delineated in the attached memorandum which Judge Franke submitted to the Board. Judge Franke said he is not requesting a waiver for law firm clients who are his clients and who have a Wisconsin physical presence or who are involved in Wisconsin legal proceedings.

MOTION: Grant John Franke’s request for a waiver because he serves as a part-time Board member, as an attorney he is properly cautious about confidentiality, he has narrowly tailored

his request, and he will recuse himself from any matter that implicates a client. Moved by Judge Lamelas, seconded by Judge Vocke.

Roll call vote: Barland:	Aye	Franke:	Abstain
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 4-0.

Judge Gerald Nichol joined the meeting by telephone at 1:46 p.m.

G. Proposed Legislative Agenda – Ethics Division

Mr. Becker introduced Ethics and Elections Specialist Brian Bell, who made an oral presentation based on a memorandum beginning on page 17 of the December 2014 Board Meeting materials. He said staff reviewed current statutes as well as recent court cases and comments from past Board meetings and suggestions staff has received from the public. Some of the recommended changes are straightforward to provide clarity while others are the result of recent court decisions.

Judge Barland discussed possible changes to Chapter 11, Wis. Stats., in light of recent court decisions. He said that if Judge Sykes of the 7th Circuit Court of Appeals has trouble understanding Chapter 11, what about the rest of the people trying to understand it. Judge Barland suggested the Board consider proposing a total review of Chapter 11 from the ground up with the use of a legislative study committee. He said the project would take several months and should involve the hiring of a committee reporter who is knowledgeable in the field.

Judge Lamelas agreed with Judge Barland, and Director Kennedy said Assembly Speaker Robin Vos has already announced he will spearhead a rewrite of campaign finance law this session, and the Board could assist with that effort. Judge Barland discussed his experience serving on judicial committees that recommended major revisions to statutes regarding probate and sex offenders.

Judge Froehlich said he could support the changes to lobbying and ethics law but not all of the staff's suggested revisions to Chapter 11, and he believes an outside committee comprised of experts with no axe to grind should be established.

Judge Barland, Judge Lamelas, Director Kennedy and Mr. Haas discussed ways the Board can work with the Legislature and the Governor on rewriting Chapter 11.

Judge Vocke suggested a resolution communicating to the Legislature and Governor the Board's opinion that based on the *Barland II* decision, Chapter 11 cannot be properly administered, and offer the assistance of the Government Accountability Board and its staff in rewriting it. Judge Franke suggested that Judge Barland appoint a committee of two members to draft the resolution, and Judge Vocke suggested the committee consist of the two former

legislators on the Board: Judge Barland and Judge Froehlich. Judge Barland agreed, and said the committee will come back to the full Board with a proposed resolution at the January meeting.

Board members and staff further discussed recent court decisions affecting Wisconsin campaign finance law.

The Board and staff briefly discussed the recommended changes to ethics and lobbying law. Judge Barland appointed a subcommittee of Judge Vocke and Judge Franke to review those recommendations prior to the January 2015 Board meeting.

I. Revised 2015 Board Meeting Schedule

Director Kennedy presented the revised 2015 Board Meeting Schedule on page 47 of the December 2014 Board Meeting materials. He said because of conflicts with the proposed February meeting date, the Board could consider meeting in early March. He also said the January 13 teleconference meeting would be held at 1 p.m. Central Standard Time to accommodate Board members who are vacationing in other time zones. Finally, the meeting scheduled for Wednesday, April 15 could be changed to April 14 in the event the Legislature decides to hold a hearing on the LAB audit recommendations on April 15.

The Board agreed by consensus to make the changes and approve the 2015 meeting schedule:

Tuesday, January 13, 2015 (Teleconference)
Wednesday and Thursday, March 4 and 5, 2015
Tuesday, April 14, 2015
Wednesday, June 24, 2015
Tuesday, September 1, 2015
Tuesday, October 20, 2015
Tuesday, December 15, 2015

J. Per Diem Payment

MOTION: Approve payment of Board Member per diem of two and a half days due to the preparations required for the meeting. Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried unanimously.

K. Director's Report

Ethics and Accountability Division Report – campaign finance, ethics, and lobbying administration

Written report from Division Administrator Becker and Division staff was included beginning on Page 51 of the Board meeting packet.

Elections Division Report – election administration

Written report from Division Administrator Haas and Division staff was included beginning on Page 55 of the Board packet.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy, Sharrie Hauge and Reid Magney was included beginning on Page 69 in the Board packet.

MOTION: Accept written staff reports. Moved by Judge Vocke, seconded by Judge Nichol.

Judge Lamelas expressed concern about staff travel. Director Kennedy described meetings he and other staff attended.

Motion carried unanimously.

L. Closed Session

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; confer with counsel concerning pending litigation and consider performance evaluation data of a public employee of the Board.

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), 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; confer with counsel concerning pending litigation; and consider performance evaluation data of a public employee of the Board. Moved by Judge Vocke, seconded by Judge Nichol.

Roll call vote: Barland:	Aye	Franke:	Aye
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Aye

Motion carried unanimously. The Board recessed at 2:54 p.m. and reconvened in closed session at 3:11 p.m. The Board adjourned in closed session at 5:50 p.m.

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, January 13, 2015, at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor, Madison, Wisconsin beginning at 1 p.m.

December 16, 2014 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

December 23, 2014

December 16, 2014 Government Accountability Board meeting minutes certified by:

Judge Timothy Vocke, Board Secretary

January 13, 2015

State of Wisconsin\Government Accountability Board

Post Office Box 7984
212 East Washington Avenue, Third Floor
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wi.gov
<http://gab.wi.gov>



KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Selection of Board Officers

Each state agency administered by a Board must elect a chairperson, vice-chairperson and secretary at its first meeting of every year. Wis. Stat. § 15.07(2). The Government Accountability Board is required to select its Chairperson by lot, drawn by the current chairperson, at the first meeting of the Board in January of each year. Wis. Stat. § 15.07(2)(b). Since the selection is done at a teleconference meeting, the current Board Chair designates a Board Member who is present in Madison to draw the names. In this case, Judge Nichol will be in Madison for the January 14, 2014 teleconference meeting.

There is no restriction on an individual being selected to serve as Chair more than once during the member's term. There is also no restriction limiting an individual from serving consecutive terms as Chairperson.

Each Board is required to select a chairperson, vice-chairperson and secretary. While the selection process for the chairperson of the Government Accountability Board is set by statute, the selection of the other officers is not. In January 2008, the Board established the practice of selecting the other officers by lot as well.

The Board has adopted the practice of filling a vacancy in an office by having the remaining officers move up to fill the respective vacancies. This keeps the succession practice consistent with the statutory requirement the Board Chairperson is selected by lot. The position of Secretary is chosen by lot to fill the vacancy created by this succession practice.

The staff will prepare the materials for selection of the officers by lot. The Board will be able to proceed with the selection of its 2015 officers at the January 13, 2015 meeting.

The new Chairperson will conduct the meeting after his or her selection. If the new Chairperson is one of the members participating by teleconference, the Chair may choose to have another member conduct the meeting from Madison.

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Post Office Box 7984
212 East Washington Avenue, Third Floor
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wi.gov
<http://gab.wi.gov>



KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Delegation of Authority to Director and General Counsel

By statute, the Government Accountability Board has plenary authority over all of the state's campaign finance, election, ethics and lobbying laws. In separate subsections of Wis. Stat. § 5.05 (1), the Board is given a series of specific, quasi-judicial and litigative powers in addition to its plenary authority. Under Wis. Stat. § 5.05 (1)(e), the Board may delegate some, but not all, of those specific responsibilities to the Director and General Counsel.

On December 10, 2007, the Board designated Kevin J. Kennedy as Wisconsin's chief election official pursuant to Wis. Stat. § 5.05 (3)(g). On January 28, 2008, the Government Accountability Board voted to use the working title of "Director and General Counsel" for its chief legal and administrative officer rather than the statutory title "Legal Counsel" because it was consistent with agencies in other states handling similar functions.

Section 5.05 Government Accountability Board; Powers and Duties.

(1) . . .the Board may:

(e) Delegate to its legal counsel the authority to intervene in a civil action or proceeding under sub. (9), issue an order under s.5.06, exempt a polling place from accessibility requirements under s.5.25 (4)(a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s.5.40 (5m), approve an electronic data recording system for maintaining poll lists under s.6.79, or authorize non-appointment of an individual who is nominated to serve as an election official under s.7.30 (4)(e), subject to such limitations as the board deems appropriate.

Before the passage of 2007 Wisconsin Act 1, the State Elections Board was authorized to delegate this authority along with other specified powers related to the conduct of investigations and enforcement actions to its executive director. 2007 Wisconsin Act 1 removed the authorization for the Government Accountability Board to delegate authority to its chief administrative officer to issue a subpoena, apply for a search warrant or commence a legal action. Now the Board must specifically authorize these actions. Wis. Stat. § 5.05 (1)(b), (2m)(c)4., 6.a.

In addition to the statutory delegation set out in Wis. Stat. § 5.05 (1)(e), the Board has specifically delegated certain administrative matters to the Director and General Counsel to facilitate the day-

to-day operations of the agency. This delegation was done to clarify the scope of the Director and General Counsel's authority. This includes the authority to sign contracts on behalf of the Board; to certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Board; to accept, review, and exercise discretion to approve applications for voting system modifications for systems previously approved for use in Wisconsin; to implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates; to communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation; and to make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed administrative rule does not have an economic impact.

In 2013, the Board withdrew its delegation for the Director and General Counsel to apply for federal funds and sign certifications related to federal funding eligibility on behalf of the Board. As a consequence the Board will review staff requests to take these actions before they are authorized.

In 2014, the Board decided to clarify the Director and General Counsel authority to sign contracts on behalf of the agency. The Director and General Counsel is authorized to execute and sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m). For any contract involving a sum over \$100,000, the Director must first consult with the Board Chair.

The Director and General Counsel is required to consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before most delegated action is taken. The Director and General Counsel is also required to report, at the Board meeting immediately following action on any delegated authority, the specifics of any action taken, the basis for taking the action, and the outcome of that action.

This delegation of authority is done at the beginning of each calendar year or in the event of a transition in the position of the Director and General Counsel. The delegation for each year continues in effect until the Board acts in the subsequent year, or unless the Board acts to modify such delegation during the calendar year.

Recommendation

I recommend the Board delegate the following quasi-judicial and litigation authority to the Director and General Counsel pursuant to Wis. Stat. § 5.05 (1)(e), and his role as agency head and chief state election official:

- To intervene in court actions under the provisions of Wis. Stat. § 5.05(9);
- To issue compliance review orders under the provisions of Wis. Stat. § 5.06;
- To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);

- To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
- To sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m), and for any contract involving a sum over \$100,000 the Director must first consult with the Board Chair. In accordance with the foregoing, the Director has the authority to execute and sign contracts;
- To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Board;
- To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
- To implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates;
- To communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation;
- To make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed rule does not have an economic impact.

This delegation would be subject to the requirement that before it is exercised, the Director and General Counsel consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before action is taken. In addition, the Director and General Counsel would be required to report, at the Board meeting immediately following action on the delegated authority, the specifics of the action taken, the basis for taking the action, and the outcome of that action.

The only exceptions to consultation with the Board Chair would be decisions to permit a municipality to use paper ballots instead of electronic voting equipment; to approve applications for voting system engineering change orders (ECOs); to exempt municipalities from polling place accessibility requirements; to authorize the non-appointment of an individual who is nominated to serve as an election official; and to sign contracts, certificates of election and other election related certifications on behalf of the Board.

Permitting a municipality to use paper ballots instead of electronic voting equipment is a fairly routine decision that is predicated on unique circumstances such as the cost of programming electronic voting equipment when there is only one race on the ballot. Applications for ECOs generally involve practical modifications based on discontinuance of parts or other minor modifications that do not impact the tabulation or compilation of election results. Applications for exemption from accessibility requirements are rare and generally involve last minute construction issues.

Agency purchases are governed by state procurement requirements. Very few contracts exceed \$100,000. Post-election certifications are generally administrative in nature, time sensitive and necessary to ensure an orderly transition of leadership following an election. These election-

related certifications cannot be completed while a recount or litigation challenging a recount is pending. Wis. Stat. § 7.70 (5)(a).

This delegation continues beyond the calendar year until reviewed by the Board. This specific delegation should be reviewed each January by the Board or upon any transition in the position of Director and General Counsel. The next scheduled review would be January 2016 or the first meeting in 2016.

A proposed motion is set out below:

MOTION: Pursuant to Wis. Stat. § 5.05 (1)(e), and his role as agency head and chief state election official, the Government Accountability Board delegates the following authority to its Director and General Counsel:

- 1) To intervene in actions under the provisions of Wis. Stat. § 5.05(9);
- 2) To issue compliance review orders under the provisions of Wis. Stat. § 5.06;
- 3) To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- 4) To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stats. § 5.40(5m);
- 5) To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
- 6) To sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m), and for any contract involving a sum over \$100,000 the Director must first consult with the Board Chair. In accordance with the foregoing, the Director has the authority to execute and sign contracts;
- 7) To certify and sign election related documents including candidate certifications, certificates of election on behalf of the Board, and certifications of election results;
- 8) To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders for systems (ECOs) previously approved for use in Wisconsin;
- 9) To implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates;
- 10) To communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation;
- 11) To make a finding pursuant to Executive Order #50, Sec. IV (8), that a proposed rule does not have an economic impact.

The Director and General Counsel shall consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before action is taken. The Director and General Counsel does not need to consult with the Board Chair with respect to decisions to permit a municipality to use paper ballots instead of electronic voting equipment, to approve applications for voting system engineering change orders (ECOs), to exempt municipalities from polling place accessibility requirements, to authorize the non-appointment of an individual who is nominated to serve as an election official, and to sign contracts, certificates of election and election-related certifications on behalf of the Board. The Director and General Counsel shall also report, at the Board meeting immediately following action on the delegated authority, the specifics of the action taken, the basis for taking the action and the outcome of that action.

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
http://gab.wi.gov



JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015, Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Diane Lowe, Lead Elections Administration Specialist
Government Accountability Board

SUBJECT: Ballot Access for the 2015 Spring Election

This memorandum presents a summary of important and noteworthy information about candidates requesting ballot access for the 2015 Spring Election and Special Election for Senate District 20, the office vacated by the resignation of Senator Glenn Grothman.

Summary

The nomination paper filing deadline for the 2015 Spring Election for the offices of Justice of the Supreme Court, Court of Appeals Judge, Circuit Court Judge and State Senator, District 20 was 5:00 p.m., on Tuesday, January 6, 2015. The circulation period for nomination papers of nonpartisan candidates at the Spring Election began on December 1, 2014, and the circulation period for candidates for Senate District 20 began on December 16, 2014 by order of the Governor.

A total of 101 candidates for state offices registered for the Spring Election, 94 of which filed nomination papers with the Government Accountability Board. Two candidates registered for the office of Justice of the Supreme Court. Only the incumbent registered for Court of Appeals Judge, District 1 and three candidates registered for Court of Appeals Judge, District 3. Eighty-nine candidates registered for 63 Circuit Court Judge positions in 31 counties. Six candidates registered for State Senator, District 20.

The first day to circulate nomination papers for the Spring Election was Monday, December 1, 2014. Most papers were filed during the weeks of the Christmas and New Year holidays. By the end of the day on Friday, January 2, 78 sets of papers had been received. Twelve sets were filed on January 5th and four on the January 6th deadline:

Date Submitted	Sets of Papers Filed
Week of December 8	5
Week of December 15	12
Week of December 22 (3 working days)	33
Week of December 29 (3 working days)	28
January 5, 2015	12
January 6, 2015 (Deadline)	4

Seven registered candidates did not submit nomination papers and three candidates submitted an insufficient number of signatures.

Every nomination paper submission was reviewed and a determination regarding sufficiency was made within 24 hours. By the deadline for filing nomination papers on Tuesday, January 6, 2015, 22 candidates had also filed additional nomination papers to supplement their original filings.

Five candidates each filed a number of signatures equal to or less than ten percent more than the minimum number of required signatures. All five candidates are running in contested races.

Notification of Noncandidacy

The Notification of Noncandidacy is required to be filed by an incumbent who is not seeking re-election to the office he or she currently holds. If an incumbent fails to timely file the Notification of Noncandidacy and does not file ballot access documents by the filing deadline, the filing deadline is extended 72 hours for any other candidate for that office. The extension does not apply to the incumbent.

Staff reached out to incumbents to ensure that all who did not plan to stand for re-election filed a Notification of Noncandidacy by the deadline of Friday, December 26, 2014, so that the ballot certification and preparation process was not delayed. Ten incumbent Circuit Court Judges and one Court of Appeals Judge filed Notifications of Noncandidacy with the Elections Division by the deadline. Three circuit court positions and State Senate District 20 had already been declared vacant. All other incumbents timely filed ballot access documents.

Number of Nomination Paper Signatures Required

- Candidates for Justice of the Supreme Court must file a minimum of 2,000 valid signatures of qualified electors of Wisconsin to qualify for ballot access. Wis. Stat. § 8.10(3)(a).
- Candidates for Court of Appeals Judge must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(am).
- Candidates for circuit court in counties over 500,000 in population (Milwaukee County) must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(c).
- Candidates for circuit court in counties less than 500,000 in population must file a minimum of **200** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(b).

- Candidates for Senate, District 20, must file a minimum of **400** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.15(6)(c).

Irregularities in Ballot Access Documents Not Affecting Ballot Status

There were several notable irregularities, which staff believes do not affect ballot status:

1. Several sets of nomination papers for the office of Circuit Court Judge identified the office as “County Judge,” or identified a branch number (Branch 1) when there is only one Circuit Court Judge in the County. It is the sense of G.A.B. staff that “County Judge” adequately describes the office since the jurisdiction is the county, and using “Branch 1” when there is only one Circuit Court Judge is not confusing or misleading to those who are asked to sign the papers.
2. Rebecca Persick, candidate for Sheboygan County Circuit Court Judge, Branch 4, circulated four nomination paper pages with an election date of “4/7/2014.” Based upon the Board’s prior treatment of similar circumstances, staff believes that the signers were not misled by the error and would have assumed the papers were for the election that will occur in 2015, not for an election occurring in the past. Candidate Persick has a total of 372 valid signatures. Had staff discounted the four pages with the incorrect year, sufficiency of the papers would not have been affected.
3. Michael Gage, candidate for Outagamie County Circuit Court Judge, Branch 5, circulated *all* nomination paper pages with an election date of “4/7/2014.” Staff feels that that the signers were not misled by the error and would have assumed the papers were for the election that will occur in 2015, not for an election occurring in the past. Staff did not strike the signatures. Candidate Gage is unopposed and has a total of 333 valid signatures.
4. Jim Beer, candidate for Green County Circuit Court Judge, submitted two nomination paper pages that contained circulator irregularities. The first page was circulated by one circulator, apparently on two different dates (12/3 and 12/5). The circulator dated the page “12/3/14 – 12/5/14.” The date “12/5/14” is on or after the latest date of a signer on that page.

The second page was signed by two circulators. Each circulator indicated the signatures for which he or she was responsible. The certification was dated after the latest date of any signer on that page.

Staff did not strike the signatures on these pages. Candidate Beer has 385 valid signatures. Had staff discounted the two pages with the circulator irregularities, sufficiency of the papers would not have been affected.

5. The following candidates submitted one or more nomination paper pages wherein required information had been inadvertently cut off (most of the date column, parts of the text of the certification of circulator and declaration of signers, election date).

<u>Candidate</u>	<u>Office</u>	<u>No. of pages</u>
Kendall M. Kelley	Brown Co. Circuit Court, Branch 4	3
Vincent R. Biskupic	Outagamie Co. Circuit Court, Branch 6	1
David Feiss	Milwaukee Co. Circuit Court, Branch 46	1

The signatures on these pages were struck. All three candidates have sufficient signatures without these pages.

- The following candidates submitted nomination paper pages wherein the printed names of signers look suspiciously like they were printed by one individual. Wis Stat. §8.10(4)(b) requires the printed name to be made by the signer of the petition, unless the signer requests assistance in signing their name. Staff are not hand-writing experts and did not strike the signatures. Had staff struck the signatures, each candidate would still have sufficient signatures.

<u>Candidate</u>	<u>Office</u>	<u>No. of pages</u>	<u>No. of Signatures</u>
David Feiss	Milwaukee Co. Circuit Court, Branch 46	1	3
Christopher Dee	Milwaukee Co. Circuit Court, Branch 37	1	7
Timothy Witkowiak	Milwaukee Co. Circuit Court Branch 22	10	75
Ellen R. Brostrom	Milwaukee Co. Circuit Court Branch 6	9	69
David A. Hansher	Milwaukee Co. Circuit Court Branch 42	3	26
David L. Borowski	Milwaukee Co. Circuit Court Branch 12	2	19

Candidates for Whom Staff Recommends Denial of Ballot Status

The following ten candidates either did not submit nomination papers or have submitted less than the minimum number of required signatures. These candidates are listed as “denied” on the Candidates Registered by Office report which is attached.

<u>Candidate</u>	<u>Office</u>	<u>Signatures Required</u>	<u>Valid Signatures</u>
Jesse L. Leichsenring	Adams Co. Circuit Court	200	192
Michelle Greendeer	Jackson Co. Circuit Court	200	53
Fred Utecht	State Senate 20	400	287
Dennis Luebke	Court of Appeals 3	1,000	None submitted
Thomas J. Duffy	Sawyer Co. Circuit Court	200	None submitted

Kristina L. Thelen	Waukesha Co. Circuit Court 8	200	None submitted
Jeffrey J. Warchol	Waukesha Co. Circuit Court 8	200	None submitted
Robin Chamoy	Waukesha Co. Circuit Court 10	200	None submitted
Nicholas J. Stamates	State Senate 20	400	None submitted
Phillip C. Atwood	State Senate 20	400	None submitted

Probable Primaries

Assuming Statements of Economic Interests are timely filed and barring any successful challenge to the sufficiency of nomination papers, there will be a primary for the office of Circuit Court Judge in Jackson, La Crosse, Lafayette and Sheboygan Counties and for the office of State Senator, District 20.

The deadline for filing challenges to nomination papers is Friday, January 9, 2015. If any challenges are filed, Board staff will analyze the challenge and response documents and present recommendations regarding those candidates at the Board meeting. Absent any challenges and contingent upon each candidate marked “pending” submitting a completed Statement of Economic Interests form, staff recommends certification of the 91 candidates marked “approved” or “pending” on the “Candidates Registered by Office” report which is attached.

Recommended Motion: Absent any successful ballot access challenges and contingent upon each pending candidate submitting a completed Statement of Economic Interests form, the Board certifies ballot status for the 91 candidates listed as “approved” or “pending,” and denies ballot status for the ten candidates listed as “denied” on the attached “Candidates Registered by Office” report for the 2015 Spring Primary and Spring Election.

Attachments: List of Incumbents who Filed a Notification of Noncandidacy
 List of Candidates Registered by Office

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		Justice of the Supreme Court		Incumbent:	Ann Walsh Bradley				
2015SPRELECT-037	102050	ANN W. BRADLEY 2505 Bay Shore Dr Wausau, WI 54401-2171	Non-Partisan	1/2/2015	1/5/2015	12/23/2014	2550		APR
2015SPRELECT-067	102469	JAMES P. DALEY 1136 Summerhill Dr Janesville, WI 53546-3723	Non-Partisan	9/22/2014	12/5/2014	1/2/2015	3914		APR
		Office Subtotal: 2							
Office:		COURT OF APPEALS - DISTRICT 1 2015-2021		Incumbent:	Kitty K. Brennan				
2015SPRELECT-027	103067	KITTY K. BRENNAN 1120 18Th Ave S Milwaukee, WI 53172-1429	Non-Partisan	12/22/2014	1/2/2015	12/22/2014	1891		APR
		Office Subtotal: 1							
Office:		COURT OF APPEALS - DISTRICT 3 2015-2021		Incumbent:	Michael W. Hoover (Filed Notification of Noncandidacy)				
2015SPRELECT-021	105445	KRISTINA M. BOURGET 1703 Pine Park Dr Eau Claire, WI 54701-7867	Non-Partisan	11/19/2014	1/6/2015	12/22/2014	1485		APR
102010		DENNIS LUEBKE N1672 Julius Dr Greenville, WI 54942-9636	Non-Partisan	11/24/2014			0		DENY
2015SPRELECT-074	105631	MARK A. SEIDL 910 N 13Th St Wausau, WI 54403-5041	Non-Partisan	12/23/2014	12/23/2014	1/2/2015	1056		APR
		Office Subtotal: 3							
Office:		ADAMS COUNTY CIRCUIT COURT JUDGE		Incumbent:	Charles A. Pollex (Filed Notification of Noncandidacy)				
2015SPRELECT-094	105641	JESSE L. LEICHSENRING 601 Vine St Wisc Dells, WI 53965-1617	Non-Partisan	12/9/2014	12/9/2014	1/6/2015	192		DENY
2015SPRELECT-060	105620	DANIEL GLEN WOOD 3481 11Th Dr Wisconsin Dells, WI 53965	Non-Partisan	10/16/2014	12/30/2014	12/30/2014	303		APR
		Office Subtotal: 2							
Office:		BAYFIELD COUNTY CIRCUIT COURT JUDGE		Incumbent:	John P. Anderson				
2015SPRELECT-068	104150	JOHN P. ANDERSON 603 E 4Th St., Box 735 Washburn WI: 54891	Non-Partisan	11/6/2014	12/15/2014	1/2/2015	242		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		BROWN COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Donald R. Zuidmulder				
2015SPRELECT-010	101158	DONALD R. ZUIDMULDER 903 S Quincy St Green Bay, WI 54301-3630	Non-Partisan	12/1/2014	12/17/2014	12/17/2014	400		APR
		Office Subtotal: 1							
Office:		BROWN COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Kendall M. Kelley				
2015SPRELECT-022	0104148	KENDALL M. KELLEY 3493 Elmtree Rd Suamico, WI 54313-8340	Non-Partisan	12/8/2014	12/22/2014	12/22/2014	320		APR
		Office Subtotal: 1							
Office:		BROWN COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Marc A. Hammer				
2015SPRELECT-011	104152	MARC A. HAMMER 2605 Bay Harbor Cir Unit 2 Green Bay, WI 54304-4800	Non-Partisan	11/20/2014	12/15/2014	12/17/2014	393		APR
		Office Subtotal: 1							
Office:		BROWN COUNTY CIRCUIT COURT JUDGE, BRANCH 8		Incumbent:	William M. Atkinson				
2015SPRELECT-062	102716	WILLIAM M. ATKINSON 710 Riverside Dr Suamico, WI 54173-8101	Non-Partisan	12/30/2014	12/11/2014	12/30/2014	313		APR
		Office Subtotal: 1							
Office:		BURNETT COUNTY CIRCUIT COURT JUDGE		Incumbent:	Kenneth L. Kutz				
2015SPRELECT-081	102670	KENNETH L. KUTZ 379 W Olson Dr. Grantsburg, WI 54840	Non-Partisan	12/17/2014		1/5/2015	247		PEND
		Office Subtotal: 1							
Office:		CHIPPEWA COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	James M. Isaacson				
2015SPRELECT-018	104795	JAMES M. ISAACSON 2568 240Th St Cadott, WI 54727-4908	Non-Partisan	11/10/2014	12/18/2014	12/22/2014	305		APR
		Office Subtotal: 1							

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Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status
								Primary General
Office:		COLUMBIA COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Daniel S. George (Filed Notification of Noncandidacy)			
2015SPRELECT-073	104573	TROY D. CROSS N7563 Pine Ridge Cir Portage, WI 53901-8815	Non-Partisan	12/1/2014	1/2/2015	1/2/2015	292	APR
2015SPRELECT-065	0105634	TODD J. HEPLER 550 Oak Hill Dr Pardeeville, WI 53954-8717	Non-Partisan	12/2/2014	1/5/2015	1/2/2015	400	APR
		Office Subtotal: 2						
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Josann Reynolds			
2015SPRELECT-082	105617	JOSANN M. REYNOLDS 7258 Lily Ln Middleton, WI 53562-1075	Non-Partisan	10/14/2014	1/5/2015	1/5/2015	272	APR
		Office Subtotal: 1						
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 6		Incumbent:	Shelley J. Gaylord			
2015SPRELECT-039	104147	SHELLEY J. GAYLORD 1318 Rutledge St Madison, WI 53703-3829	Non-Partisan	11/20/2014	1/5/2015	12/23/2014	308	APR
		Office Subtotal: 1						
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 10		Incumbent:	Juan B. Colas			
2015SPRELECT-034	104771	JUAN B. COLÁS 1122 Frisch Rd Madison, WI 53711-3120	Non-Partisan	12/2/2014	12/10/2014	12/22/2014	400	APR
		Office Subtotal: 1						
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 13		Incumbent:	Julie Genovese			
2015SPRELECT-032	104778	JULIE GENOVESE 5 Waushara Cir Madison, WI 53705-4818	Non-Partisan	11/21/2014		12/22/2014	270	PEND
		Office Subtotal: 1						
Office:		DOUGLAS COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Kelly J. Thimm			
2015SPRELECT-016	104648	KELLY J. THIMM 5827 Cedar Ave Superior, WI 54880-6273	Non-Partisan	12/1/2014	12/10/2014	12/19/2014	397	APR
		Office Subtotal: 1						

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		DOUGLAS COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	George L. Glonek				
2015SPRELECT-035	104159	GEORGE L. GLONEK 1515 E 10Th St Superior, WI 54880-3425	Non-Partisan	12/1/2014	1/2/2015	12/23/2014	290		APR
		Office Subtotal: 1							
Office:		DUNN COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Rod W. Smeltzer				
2015SPRELECT-024	103521	ROD W. SMELTZER N4738 430Th St Menomonie, WI 54751-3792	Non-Partisan	11/28/2014	12/22/2014	12/22/2014	300		APR
		Office Subtotal: 1							
Office:		FOND DU LAC COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Richard J. Nuss				
2015SPRELECT-003	102045	RICHARD J. NUSS 971 Golf Vu Dr Fond Du Lac, WI 54935-6427	Non-Partisan	10/23/2014	12/8/2014	12/12/2014	400		APR
		Office Subtotal: 1							
Office:		GRANT COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Craig R. Day				
2015SPRELECT-053	104784	CRAIG R. DAY 5698 County Road N Potosi, WI 53820-9748	Non-Partisan	11/4/2014	12/29/2014	12/29/2014	337		APR
		Office Subtotal: 1							
Office:		GREEN COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Jim Beer				
2015SPRELECT-047	103512	JIM BEER 2718 2Nd Ave Monroe, WI 53566-3502	Non-Partisan	7/2/2014	12/26/2014	12/26/2014	385		APR
2015SPRELECT-070	104787	DAN GARTZKE 1301 2Nd St New Glarus, WI 53574-9756	Non-Partisan	11/20/2014		1/2/2015	227		PEND
		Office Subtotal: 2							
Office:		GREEN COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Thomas J. Vale				
2015SPRELECT-068	104695	TOM VALE W5681 Melvin Rd Monroe, WI 53566-8944	Non-Partisan	8/1/2014	12/23/2014	12/23/2014	381		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office: JACKSON COUNTY CIRCUIT COURT JUDGE									
2015SPRELECT-006	103655	ANNA L. BECKER N6442 Rye Bluff Rd Blk River Fls, WI 54615-5645	Non-Partisan	9/29/2014	12/15/2014	12/15/2014	327		APR
2015SPRELECT-009	105616	DANIEL DIEHN 403 Monroe St Blk River Fls, WI 54615-1225	Non-Partisan	12/8/2014	12/17/2014	12/17/2014	398		APR
2015SPRELECT-093	105638	MICHELLE GREENDEER W8801 Black Hawk Dr Blk River Fls, WI 54615-5536	Non-Partisan	12/22/2014	12/22/2014	1/6/2015	53		DENY
2015SPRELECT-075	104501	ROBYN MATOUSEK N6389 Rye Bluff Rd Blk River Fls, WI 54615-5638	Non-Partisan	12/1/2014	1/2/2015	1/2/2015	365		APR
2015SPRELECT-015	104663	MARK A. RADCLIFFE N3406 Henry Rd Meirose, WI 54642-8101	Non-Partisan	12/4/2014	1/2/2015	12/19/2014	217		APR
2015SPRELECT-080	105644	JAMES C. RITLAND W11177 Roningen Rd Blk River Fls, WI 54615-5750	Non-Partisan	12/29/2014	1/5/2015	1/5/2015	220		APR
Office Subtotal: 6									
Office: JEFFERSON COUNTY CIRCUIT COURT JUDGE, BRANCH 1									
2015SPRELECT-052	104797	JENNIFER L. WESTON 610 Monroe St Fort Atkinson, WI 53538-1336	Non-Partisan	11/3/2014	12/9/2014	12/29/2014	287		APR
Office Subtotal: 1									
Office: KENOSHA COUNTY CIRCUIT COURT JUDGE, BRANCH 1									
2015SPRELECT-036	102019	DAVID MARK BASTIANELLI 4901 17Th St Kenosha, WI 53144-1282	Non-Partisan	11/10/2014	12/15/2014	12/23/2014	400		APR
Office Subtotal: 1									
Office: KENOSHA COUNTY CIRCUIT COURT JUDGE, BRANCH 5									
2015SPRELECT-001	104779	DAVID P. WILK 7706 6Th Ave Kenosha, WI 53143-6011	Non-Partisan	11/19/2014	12/18/2014	12/9/2014	395		APR
Office Subtotal: 1									

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office: KENOSHA COUNTY CIRCUIT COURT JUDGE, BRANCH 6									
2015SPRELECT-005	100839	MARY K. WAGNER 5516 2Nd Ave Unit 201 Kenosha, WI 53140-3780	Non-Partisan	11/10/2014	12/12/2014	12/12/2014	397		APR
Office Subtotal: 1									
Office: KENOSHA COUNTY CIRCUIT COURT JUDGE, BRANCH 8									
2015SPRELECT-004	103814	CHAD G. KERKMAN 40255 105Th St Genoa City, WI 53128-2602	Non-Partisan	11/19/2014	12/15/2014	12/12/2014	245		APR
Office Subtotal: 1									
Office: LACROSSE COUNTY CIRCUIT COURT JUDGE, BRANCH 5									
2015SPRELECT-069	105632	BRIAN K. BARTON N5594 Cheyenne Dr Onalaska, WI 54650-9318	Non-Partisan	1/2/2015	1/5/2015	1/2/2015	287		APR
2015SPRELECT-002	105628	GLORIA L. DOYLE N5525 Hauser Rd Onalaska, WI 54650-8913	Non-Partisan	11/14/2014	12/15/2014	12/10/2014	399		APR
2015SPRELECT-031	105639	CANDICE C.M. TLUSTOSCH N4126 Ceresa Ct West Salem, WI 54669-9558	Non-Partisan	12/8/2014		12/22/2014	327		PEND
Office Subtotal: 3									
Office: LAFAYETTE COUNTY CIRCUIT COURT JUDGE									
2015SPRELECT-089	105341	KATE FINDLEY 530 E Louisa St Darlington, WI 53530-1458	Non-Partisan	1/5/2015	1/5/2015	1/5/2015	260		APR
2015SPRELECT-090	105642	GAYLE JEBBIA 492 Hilton Dr Madison, WI 53711-1149	Non-Partisan	12/18/2014		1/5/2015	226		PEND
2015SPRELECT-063	102837	DUANE M. JORGENSON 13039 County Road D Darlington, WI 53530-9486	Non-Partisan	12/30/2014		12/30/2014	355		PEND
2015SPRELECT-088	105646	GUY M. TAYLOR 3335 Saracen Way Verona, WI 53593-9500	Non-Partisan	11/25/2014		1/5/2015	234		PEND
Office Subtotal: 4									

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Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		LANGLADE COUNTY CIRCUIT COURT JUDGE							
2015SPRELECT-045	105635	JOHN RHODE 321 5Th Ave Antigo, WI 54409-2218	Non-Partisan	Incumbent: 12/3/2014	Vacant 12/23/2014	12/26/2014	311		APR
2015SPRELECT-014	102712	RALPH M. UTTKE W11296 Lamplight Ln Antigo, WI 54409-8544	Non-Partisan	12/1/2014	12/19/2014	12/19/2014	220		APR
		Office Subtotal: 2							
Office:		MARATHON COUNTY CIRCUIT COURT JUDGE, BRANCH 1							
2015SPRELECT-072	103235	JILL N. FALSTAD 1968 River Vista Dr Mosinee, WI 54455-8638	Non-Partisan	Incumbent: 12/1/2014	12/15/2014	1/2/2015	383		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 2							
2015SPRELECT-048	103492	JOE DONALD 2866 N 74Th St Milwaukee, WI 53210-1010	Non-Partisan	Incumbent: 10/7/2014	12/17/2014	12/26/2014	1741		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 3							
2015SPRELECT-026	103487	CLARE L. FIORENZA 660 Crescent Ct Wauwatosa, WI 53213-3858	Non-Partisan	Incumbent: 12/1/2014	1/5/2015	12/22/2014	1788		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 6							
2015SPRELECT-020	104775	ELLEN R. BROSTROM 9445 N Fairway Cir Bayside, WI 53217-1316	Non-Partisan	Incumbent: 8/21/2014	12/22/2014	12/22/2014	1578		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 12							
2015SPRELECT-068	104162	DAVID L. BOROWSKI 3437 N Frederick Ave Milwaukee, WI 53211-2902	Non-Partisan	Incumbent: 12/12/2014	12/12/2014	12/17/2014	1735		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 15			J. D. Watts				
2015SPRELECT-058	104401	J. D. WATTS 4523 S Sheridan Dr Cudahy, WI 53110-1226	Non-Partisan	11/7/2014	12/30/2014	12/30/2014	1702		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 16			Michael J. Dwyer				
2015SPRELECT-030	103331	MICHAEL J. DWYER 4107 N Downer Ave Shorewood, WI 53211-1714	Non-Partisan	11/28/2014	12/22/2014	12/22/2014	2000		PEND
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 22			Timothy M. Witkowiak				
2015SPRELECT-025	103976	TIMOTHY WITKOWIAK 8404 S 68Th St Franklin, WI 53132-8226	Non-Partisan	8/18/2014	12/17/2014	12/22/2014	1960		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 29			Richard J. Sankovitz				
2015SPRELECT-057	103493	RICHARD J. SANKOVITZ 2705 E Newberry Blvd Milwaukee, WI 53211-3426	Non-Partisan	12/30/2014	1/6/2015	12/30/2014	1752		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 30			Jeffrey A. Conen				
2015SPRELECT-049	103484	JEFFREY CONEN 6951 N Crestwood Dr Glendale, WI 53209-2721	Non-Partisan	10/17/2014	1/6/2015	12/26/2014	1701		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 37			Thomas Christopher Dee				
2015SPRELECT-055	105615	CHRIS DEE 7705 S Manitowoc Ave Oak Creek, WI 53154-2151	Non-Partisan	10/2/2014	12/29/2014	12/29/2014	1690		PEND
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 42		Incumbent:	David A. Hansher				
2015SPRELECT-012	102476	DAVID A. HANSHER 9450 N Fairway Cir Bayside, WI 53217-1315	Non-Partisan	7/16/2014	12/10/2014	12/18/2014	1842		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 46		Incumbent:	Vacant				
2015SPRELECT-061	103684	DAVID FEISS 7915 Mary Ellen Pl Wauwatosa, WI 53213-3470	Non-Partisan	12/30/2014	12/30/2014	12/30/2014	1990		APR
		Office Subtotal: 1							
Office:		OUTAGAMIE COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Michael W. Gage				
2015SPRELECT-056	102013	MICHAEL GAGE 1615 S Orchard Dr Appleton, WI 54914-5122	Non-Partisan	12/3/2014	12/29/2014	12/29/2014	333		APR
		Office Subtotal: 1							
Office:		OUTAGAMIE COUNTY CIRCUIT COURT JUDGE, BRANCH 6		Incumbent:	Vincent Biskupic				
2015SPRELECT-051	102549	VINCENT R. BISKUPIC 405 E Roosevelt St Appleton, WI 54911-3739	Non-Partisan	12/2/2014	12/29/2014	12/29/2014	400		APR
		Office Subtotal: 1							
Office:		OZAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Paul V. Malloy				
2015SPRELECT-042	104158	PAUL V. MALLOY 1544 N Pine St Grafton, WI 53024-2039	Non-Partisan	12/2/2014	12/26/2014	12/26/2014	400		APR
		Office Subtotal: 1							
Office:		OZAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Sandy A. Williams				
2015SPRELECT-054	102517	SANDY A. WILLIAMS 11708 Settlers Rd Cedarburg, WI 53012-9749	Non-Partisan	12/8/2014	12/11/2014	12/29/2014	377		APR
		Office Subtotal: 1							

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Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office: ROCK COUNTY CIRCUIT COURT JUDGE, BRANCH 6									
2015SPRELECT-007	103422	RICHARD T. WERNER 418 Bostwick Ave Janesville, WI 53545-4150	Non-Partisan	10/21/2014	12/9/2014	12/16/2014	281		APR
Office Subtotal: 1									
Office: SAWYER COUNTY CIRCUIT COURT JUDGE									
	103703	THOMAS J. DUFFY 10544 Michigan Ave Hayward, WI 54843-7122	Non-Partisan				0		DENY
Incumbent: Jerry Wright (Filed Notification of Noncandidacy)									
2015SPRELECT-041	105414	JOHN YACKEL 7578 N Landgraf Rd Hayward, WI 54843-2016	Non-Partisan	12/26/2014	12/26/2014	12/26/2014	386		APR
Office Subtotal: 2									
Office: SHEBOYGAN COUNTY CIRCUIT COURT JUDGE, BRANCH 1									
2015SPRELECT-040	102024	L. EDWARD STENGEL N7110 Bender Ct Sheboygan, WI 53083-1662	Non-Partisan	10/30/2014	1/2/2015	12/26/2014	395		APR
Incumbent: L. Edward Stengel									
Office Subtotal: 1									
Office: SHEBOYGAN COUNTY CIRCUIT COURT JUDGE, BRANCH 4									
2015SPRELECT-050	105056	CATHERINE Q. DELAHUNT 837 Briarwood Ct Kohler, WI 53044-1325	Non-Partisan	10/3/2014	12/26/2014	12/26/2014	354		APR
2015SPRELECT-066	105630	MATTHEW P. MOONEY 312 Frederick St Plymouth, WI 53073-2116	Non-Partisan	1/2/2015	1/2/2015	1/2/2015	250		APR
2015SPRELECT-079	105624	REBECCA PERSICK 5037 Wild Meadow Dr Sheboygan, WI 53083-1976	Non-Partisan	11/3/2014	1/5/2015	1/5/2015	372		APR
Office Subtotal: 3									
Office: TAYLOR COUNTY CIRCUIT COURT JUDGE									
2015SPRELECT-046	104785	ANN N. KNOX-BAUER W8750 Perkinstown Ave Medford, WI 54451-8913	Non-Partisan	12/26/2014	1/2/2015	12/26/2014	303		APR
Office Subtotal: 1									

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Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office: WALWORTH COUNTY CIRCUIT COURT JUDGE, BRANCH 3									
2015SPRELECT-028	105613	KRISTINE E. DRETTWAN 320 W 4Th Ave Elkhorn, WI 53121-2225	Non-Partisan	12/22/2014	12/17/2014	12/22/2014	400		APR
2015SPRELECT-091	105647	JOHN W. PETERSON 261 N Main St Wauworth, WI 53184-9781	Non-Partisan	1/6/2015		1/6/2015	214		PEND
Office Subtotal: 2									
Office: WASHBURN COUNTY CIRCUIT COURT JUDGE									
2015SPRELECT-043	103513	EUGENE D. HARRINGTON 115 Bayview Dr Shell Lake, WI 54871-9186	Non-Partisan	12/8/2014	12/8/2014	12/26/2014	274		APR
Office Subtotal: 1									
Office: WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 7									
2015SPRELECT-019	105627	MARIA S. LAZAR 1625 Lookout Ln Brookfield, WI 53045-2319	Non-Partisan	12/22/2014	12/29/2014	12/22/2014	359		APR
Office Subtotal: 1									
Office: WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 8									
2015SPRELECT-078	104461	MICHAEL P. MAXWELL 3270 Sylvester Dr Hartland, WI 53029-9351	Non-Partisan	12/23/2014	1/2/2015	1/2/2015	385		APR
2015SPRELECT-083	105621	RON SONDERHOUSE N16w26553 Conservancy Dr Unit G Pewaukee, WI 53072-5475	Non-Partisan	10/17/2014		1/5/2015	400		PEND
105623		KRISTINA L. THELEN 106 Eagles Lookout North Prairie, WI 53153-9623	Non-Partisan	10/29/2014			0		DENY
105633		JEFFREY J. WARCHOL 14260 Radiant Ct Brookfield, WI 53005-7073	Non-Partisan	11/28/2014			0		DENY
Office Subtotal: 4									

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 9		Incumbent:	Michael Aprahamian				
2015SPRELECT-044	105626	MICHAEL J. APRAHAMIAN 18215 Chevy Chase St Brookfield, WI 53045-4958	Non-Partisan	12/26/2014	12/26/2014	12/26/2014	400		APR
		Office Subtotal: 1							
Office:		WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 10		Incumbent:	Linda M. Van De Water				
2015SPRELECT-071	105629	PAUL BUGENHAGEN, JR. 20115 W National Ave New Berlin, WI 53146-4910	Non-Partisan	1/2/2015	1/2/2015	1/2/2015	387		PEND
	105614	ROBIN CHAMOY W235 Vernon Hills Dr Big Bend, WI 53103	Non-Partisan				0		DENY
2015SPRELECT-076	103641	LINDA M. VAN DE WATER 20945 Bartlett Dr Brookfield, WI 53045-1726	Non-Partisan	12/9/2014	1/2/2015	1/2/2015	400		PEND
		Office Subtotal: 3							
Office:		WOOD COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Todd P. Wolf				
2015SPRELECT-059	0104040	TODD P. WOLF 5111 Timberland Trl Wisc Rapids, WI 54494-7573	Non-Partisan	12/12/2014	12/12/2014	12/30/2014	321		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2015 SPRING ELECTION - 04/07/2015

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
		STATE SENATE - DISTRICT 20			Vacant				
2015SPRELECT-085	105405	TIFFANY KOEHLER 549 Slinger Rd Unit 4 Slinger, WI 53086-9430	Republican	1/5/2015		1/5/2015	406		PEND
2015SPRELECT-084	105637	LEE E. SCHLENVOGT 4250 County Road H Prt Washington, WI 53074-9729	Republican	12/8/2014		1/5/2015	579		PEND
2015SPRELECT-086	105087	DUEY STROEBEL 2428 Covered Bridge Rd Saukville, WI 53080-2306	Republican	1/5/2015		1/5/2015	800		PEND
2015SPRELECT-092	105645	FRED UTECHT 535 Sandy Beach Rd Belgium, WI 53004-9738	Republican	1/6/2015	1/6/2015	1/6/2015	287		DENY
	105643	NICHOLAS J. STAMATES N68 Cleveland St Cedarburg, WI 53012-1834	Democratic				0		DENY
	105636	PHILLIP C. ATWOOD 230 N University Dr Apt 218 West Bend, WI 53095-2978	Independent				0		DENY

Office Subtotal: 6

Wisconsin Government Accountability Board

Candidates Registered by Office

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status
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Total Number of Candidates: 101

**Incumbents Who Have Filed a Notification of Noncandidacy (GAB-163)
for the April 7, 2015 Spring Election
(Due: Friday, December 26, 2014, 5:00 P.M.)**

FINAL

NAME	ID #	OFFICE	DATE FILED
James R. Kieffer	101826	Waukesha County Circuit Court Judge, Branch 8	07/28/2014
J. Mac Davis	100077	Waukesha County Circuit Court Judge, Branch 7	08/18/2014
Wayne J. Marik	101989	Racine County Circuit Court Judge, Branch 6	09/16/2014
Michael W. Hoover	102261	Court of Appeals Judge, District 3	9/22/2014
Terence T. Bourke	103093	Sheboygan County Circuit Court Judge, Branch 4	10/03/2014
William D. Johnston	102029	Lafayette County Circuit Court Judge	11/26/2014
Daniel S. George	102739	Columbia County Circuit Court Judge, Branch 1	11/28/2014
Charles A. Pollex	102732	Adams County Circuit Court Judge	12/4/2014
Kenneth W. Forbeck	104793	Rock County Circuit Court Judge, Branch 5	12/22/2014
Gerald L. Wright	104805	Sawyer County Circuit Court Judge	12/23/2014

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas
Elections Division Administrator

Jonathan Becker
Ethics and Accountability Division Administrator

SUBJECT: Application of Ethics Code to Election Inspectors – Service at Election Where Family Member is a Candidate on the Ballot

Introduction

This memorandum outlines an issue involving both election laws and the Code of Ethics for Local Public Officials related to election inspectors who serve at elections where a spouse or other family member is a candidate. Due to issues highlighted in a recent Attorney General opinion, Government Accountability Board staff recommends altering its previous guidance and advising that election inspectors should not serve at specific elections where the inspector's spouse or other immediate family member is a candidate.

Background and Analysis

1. Prior Guidance

During many election cycles, especially spring elections, the Government Accountability Board is asked whether an election inspector may serve at an election when the inspector's spouse or other family member or relative is a candidate at that election. It is not unusual in smaller municipalities that an election inspector may be the spouse of a candidate for a local office. The State Elections Board and the G.A.B. have historically issued informal guidance stating that the Statutes do not disqualify an election inspector under such circumstances, although a municipal clerk may wish to avoid the appearance of a conflict of interest by not scheduling the inspector to work at that election.

This advice was based upon the qualifications for election officials established under Wis. Stat. §7.30 which states as follows:

7.30 Appointment of election officials

(2) QUALIFICATIONS AND PROCEDURE. *(a) Only election officials appointed under this section or s. 6.875 may conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of a county in which the municipality where the official serves is located, and each chief inspector shall be a qualified elector of the municipality in which the chief inspector serves. If no qualified candidate for chief inspector is available or if the chief inspector is appointed to fill a vacancy under par. (b), the person so appointed need not be a qualified elector of the municipality. If a municipal clerk or deputy clerk serves as a registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need not be a resident of the county, but shall be a resident of the state. No more than 2 individuals holding the office of clerk or deputy clerk may serve without regard to county residency in any municipality at any election. Special registration deputies who are appointed under s. 6.55 (6) may be appointed to serve more than one polling place. All officials appointed under this section shall be able to read and write the English language, be capable, and be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. Excluding the inspector who may be appointed under sub. (1) (b), the party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. Whenever 2 or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector shall assign, insofar as practicable, an equal number of inspectors from the nominees of each party.*

(Emphasis added)

Given that the Legislature had expressly prohibited election inspectors to be a candidate for any office to be voted for at an election for which they serve, and had not established a similar prohibition for family members of candidates, the State Elections Board and G.A.B. staff have previously opined that a municipality could not disqualify an election official based upon a family relationship with a candidate. Staff has also advised that, notwithstanding the lack of an express legislative prohibition, avoiding the appearance of a conflict of interest by having other election inspectors or alternates work at the polls in such a case would be a prudent strategy.

2. 2014 Attorney General Opinion

On October 15, 2014, the Attorney General issued a formal opinion at the request of the G.A.B. regarding the applicability of the Open Meetings Law to the work of election inspectors. The opinion, OAG 05-14, can be found at: http://gab.wi.gov/sites/default/files/memo/199/oag_05_14_pdf_82426.pdf. The Attorney General concluded that the Open Meetings Law applied to the work of election inspectors when they convene as the local board of canvassers after the polls close, although not to the administrative tasks completed by the individual inspectors while the polls are open on Election Day.

The Opinion of the Attorney General noted that, when acting as the local board of canvassers, inspectors perform duties which require the exercise of judgment such as determining whether a ballot is completed improperly, and determining whether to conduct a drawdown of ballots. The Opinion distinguished these collective activities of the local board of canvassers described in Wis. Stat. §7.51 from the individual administrative tasks completed by election inspectors during the voting day described in Wis. Stats. §§7.37 and 6.88, such as issuing ballots and processing absentee ballots.

The focus of the Attorney General opinion was the Open Meetings Law and the conclusion that it applies to the work of election inspectors who convene as the local board of canvassers after the polls close. However, the emphasis on the fact that the inspectors are appointed by the local governing body and perform tasks that are not purely administrative in nature has prompted G.A.B. staff to revisit its previous guidance that election inspectors are not disqualified from serving as a matter of law when a spouse or other family member is a candidate at the election.

3. Ethics Code Analysis

Under the Code of Ethics for Local Public Officials contained in Chapter 19 of the Statutes, a local public official includes an individual who holds “an appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.” *Wis. Stat. §19.42(7w)*. “Ministerial action” is defined as “an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.” *Wis. Stat. §19.42(8)*.

Election inspectors hold an appointive position and serve for a specified two-year term. *Wis. Stat. §7.30(6)*. While the Attorney General’s opinion used the term “administrative duties” rather than “ministerial actions” to describe actions of election inspectors that are assigned to them as individual officials while the polls are open, at least some of the duties performed by the local canvassing board after the polls close seem to potentially involve the exercise of the individual’s judgment and discretion. Therefore, election inspectors acting in the capacity of the local board of canvassers do not seem to fit the exception of a position limited to the exercise of ministerial action, and would seem to qualify as local public officials who are subject to the Ethics Code.

Local public officials are subject to the provisions of Wis. Stat. §19.59, including the following relevant restrictions:

19.59 Code of ethics for local government officials, employees and candidates

(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family. . . .

. . . .

(c) Except as otherwise provided in par. (d), no local public official may:

- 1. Take any official action substantially affecting a matter in which the official, a member of his or immediate family, or an organization with which the official is associated has a substantial financial interest.*
- 2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.*

In the Ethics Code, “immediate family member” includes an individual’s spouse and an individual’s relative by marriage or children who receive, directly or indirectly, more than one-half of their support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support. *Wis. Stat. §19.42(7)*.

The essential issue, therefore, is whether an election inspector, particularly when acting as a member of the local board of canvassers, may be put in a position of using his or her public position to obtain financial gain for their own private benefit or the private benefit of a spouse or other immediate family member. Or whether the election inspector would risk taking an official action affecting a matter in which the official or immediate family member has a substantial financial interest, or using the public position in a way that produces or assists in producing a substantial benefit for the inspector or an immediate family member.

As described above, inspectors who serve as members of the local board of canvassers are charged with duties to determine the intent of electors who have not clearly marked ballots, and to determine whether a ballot should be counted. These tasks involve the use of their own judgment and discretion, and may also affect the election or defeat of candidates on the ballot. Given that local elected officials receive some compensation for their service, it appears that the Ethics Code would require an election inspector to refrain from taking any discretionary action or casting a vote as a member of the canvass board which would potentially affect the ability of a spouse or other immediate family member from winning an election and receiving a financial gain or substantial benefit.

Furthermore, under certain circumstances a potential conflict of interest likely arises if the inspector’s relationship with the candidate is not as a spouse or immediate family member, but simply someone who shares the same household. In that case, if the ability of the candidate to earn compensation through winning the public office affects the inspector’s finances (by reducing rent or other household costs), the use of the public office would provide a financial gain to the inspector irrespective of the legal relationship between the inspector and the candidate.

To avoid a violation of the Ethics Code, local public officials may recuse themselves from the specific action or decision which poses a conflict of interest. That is likely to be an impractical solution in many cases because recusal of one election inspector would result in a two-member board of canvassers that may be unable to resolve disputed ballots. In addition, the inspector who may possess the conflict of interest would be unable to act with regard to any ballots cast for the office being sought by the immediate family member, and by the time a potential conflict situation arises, it would likely be too late to replace the inspector with another individual who could serve on the local board of canvassers.

4. Conclusion

For these reasons, it is the recommendation of Board staff that its previous guidance be modified to more strongly discourage the use of election inspectors who are spouses or immediate family members of a candidate on the ballot for that election, or who share a living arrangement with a candidate. While the inspector's service as a member of the local board of canvassers does not in itself necessarily violate the Ethics Code, the practical effect of discovering an actual or perceived conflict on the ability to properly administer the election and count the ballots suggests advising against the use of such election inspectors if possible.

The recommendation of Board staff includes a caveat that violations of the Ethics Code for Local Public Officials are enforced by local district attorneys. Therefore this opinion is advisory and is not binding on district attorneys who are responsible for making determinations based upon individual facts and circumstances. When issuing guidance to local election officials, Board staff believes that the prudent approach is to advise that election inspectors should not be permitted to work as members of the local board of canvassers in the event that they are a spouse or immediate family member of a candidate on the ballot, or have a living arrangement with the candidate in which the candidate's success or failure to win election would affect the inspector financially.

Recommended Motion:

Consistent with the above analysis, the Board advises that an election inspector should not act as a member of the local board of canvassers in the event that he or she is a spouse or immediate family member of a candidate on the ballot, or has a living arrangement with the candidate in which the candidate's success or failure to win election would affect the inspector financially.

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: Annual Reports Regarding Use of HAVA Funds and 2014 List of Elections Division Accomplishments

As a condition of Wisconsin's receipt and use of federal funds under the Help America Vote Act of 2002 (HAVA), the Government Accountability Board is required to submit annual reports to the U.S. Election Assistance Commission (U.S. EAC). The annual reports were due at the end of the 2014 calendar year but relate to agency activities during the 2014 federal fiscal year, October 1, 2013 through September 30, 2014. Attached are two narrative reports describing major initiatives of the G.A.B. using funds disbursed under HAVA §101 and HAVA §251, along with corresponding Federal Financial Reports which track the total HAVA funds received and the remaining portions available to Wisconsin.

Due to agency functions that qualify to use funds from either Section 101 or Section 251 funds, the first eleven pages of the two narrative reports describe the same agency activities. The reports represent a snapshot of many of the Elections Division projects that took place over the last year, although some tasks funded solely by state funds are not included in the reports. The entire Elections Division and agency finance staff contributed to the material contained in the annual HAVA reports, but they were compiled and drafted by Elections Specialist David Buerger, who has also been the lead author of previous annual reports.

At the end of each year, Elections Division staff also compiles a summary list of significant accomplishments, and the document for 2014 is attached. This list includes tasks which are completed using both federal and state funds. Collectively, the HAVA annual reports and the list of accomplishments reflect the tremendous amount of work completed by our very talented and dedicated staff. The Board will note that a very small number of these tasks were cited in the recent Legislative Audit Bureau report as requiring significant improvement, or were even mentioned in the report's assessment of the agency's performance.

These reports are provided for the Board's information, and no action is required of the Board.

STATE OF WISCONSIN
Wisconsin Government Accountability Board

HAVA, Title I, Section 101
Analysis & Description of Activities Funded
(October 1, 2013 – September 30, 2014)

In Wisconsin, elections are administered at the state level by the Government Accountability Board (G.A.B.), but are conducted at the local level by 1,924 local elections officials covering 72 counties and 1,852 municipalities.

During FFY-2014, the G.A.B. administered thirty-three elections. There were nine state-level elections held during the reporting period including three regularly scheduled elections including the 2014 Spring Primary, the 2014 Spring Election, the 2014 Partisan Primary; and six special elections to fill vacancies in the State Assembly. The G.A.B. also assisted in twenty-four other local elections including local recalls, school district referenda, and special elections. There were also fifteen recounts, which were conducted by local election officials supported by Board staff. Over the reporting period Wisconsin used approximately 2,667 polling places and recorded votes in 3,589 reporting units.

During the reporting period, HAVA 101 funds were used to support six general purposes:

1. Complying with the requirements of Title III – § 101(b)(1)(A).

Wisconsin became fully compliant with Title III of HAVA on August 6, 2008. HAVA § 101 funds have been used to support various activities that are required to keep the State in compliance with Title III.

The Wisconsin Government Accountability Board (G.A.B.) has assembled a technical team for applications development and support for G.A.B.'s IT systems. This team is co-managed by G.A.B. and the Wisconsin Department of Administration – Division of Enterprise Technology (DOA/DET). The IT team supports all Elections Division software applications including:

- Statewide Voter Registration System (SVRS)
- MyVote Wisconsin – our public information web portal
- Wisconsin Election Data Collection System (WEDCS)
- Canvass Reporting System (CRS)
- AccessElections! Accessibility Compliance System
- Provisional Ballot Tracking System
- Outstanding Absentee Reporting System
- Ineligible Voter List
- Felon Audit Dashboard
- BADGER Voters

The IT team also develops any new IT tools the Elections Division may need. The team is presently working to set up the building blocks of a new Modernized SVRS that will significantly boost performance and reduce operating costs. The new version of Microsoft Dynamics CRM 2013 has been installed on a server as a “sandbox” for IT and program staff to begin working on the layout of the new system. The team has completed work on the

primary navigation for the system, as well as the universal screen template that will be used throughout the system.

The SVRS and IT staff have been organized into teams to work on different modernization topics to allow for work to be done concurrently. IT staff began by building out the first node of the system – Jurisdictions and Districts, while program staff developed the security roles that clerks will have available to them in the modernized system.

Preliminary screens and features have been created to support district/address management and voter data management. The teams continue to work on the Elections, Absentee and Voter nodes. Each team is developing the overall design for their functional area as well as developing all the critical business rules and use cases that the IT team can use to build the new system. The new modernized SVRS is scheduled to go live in the fall of 2015.

Board staff installed updates to G.A.B. IT systems on several occasions during FFY-2014. These updates were for the following general purposes:

- Addition of new functionality
- General performance enhancements
- Resolution of technical issues with the software

The Statewide Voter Registration System (SVRS) received several significant updates this reporting period:

- SVRS was updated to include enhancements to the mapping features that will make it easier for clerks to assign voters to the correct districts.
- A minor release of SVRS (version 8.5 Sprint 2) was deployed on October 30, 2013 to fix three minor defects related to SVRS version 8.5 that were found after SVRS 8.5 was deployed.
- The death file import process was updated on November 27, 2013. This new process replaces the existing SVRS interface with the Wisconsin Department of Health Services (DHS) to provide state death records. DHS recently deployed a new death record tracking system which enabled the G.A.B. to improve the interface with SVRS.
- An emergency patch was installed on January 24, 2014. This patch corrected a problem with the address verification service that is used by both SVRS and MyVote Wisconsin. Certain addresses on voter applications in MyVote and SVRS were not being assigned to districts in SVRS, despite being valid addresses with accurate geographic locations. This patch corrected this problem.
- An emergency patch to SVRS was installed on March 14, 2014. This patch corrected a display issue with district and voter maps in SVRS that resulted from updates that Google made to the mapping plug-in used in SVRS. When clerks made a correction on the map, the screen would appear as if it was “processing” even after the change had been completed and saved. The patch corrected this problem.

- On April 28, 2014 updates were made to the SVRS servers to improve performance and disk space utilization.
- SVRS version 8.6 was installed on June 20, 2014 and included mandatory updates to SVRS to accommodate new legislation enacted in 2014. Most changes involved how Proof of Residence information is captured in SVRS. The update also included several routine bug fixes and an improvement to the time it takes to process voter applications in SVRS.

The G.A.B. staff continues to work with local Land Information Departments in acquiring updated ward boundaries to account for any recent annexations. The G.A.B. staff is working with municipal and county clerks to improve receipt of annexation ordinances. The Department of Administration (DOA) is continuing to send a quarterly list of all annexation ordinances it receives from municipalities.

The Canvass Reporting System (CRS) was updated this reporting period to implement several report fixes and updates requested by clerks. One notable fix was to resolve a technical issue with entering election night results.

The AccessElections! Accessibility Compliance System saw further improvements this reporting period. This system serves as a robust administration tool for the G.A.B. to further develop the accessibility survey design; enter paper survey data; review and analyze data; and generate reports. The system provides detailed reporting (customizable to state-specific requirements) to analyze survey data, including, but not limited to: identifying key barriers at polling places to match needs with accessibility supply orders; comparison reports by location; and providing a method to track polling place visits.

During the reporting period Board staff completed the implementation of a web-based system containing accessibility information for polling places statewide. The system is currently in place for internal G.A.B. use and has been used in the field on tablet computers during the onsite accessibility survey process. There are many advantages to the new online format, including more accurate data, the ability to attach photos to a survey report, and grant tracking capability.

The online reporting platform will eventually allow municipal officials to access their polling place accessibility audit data through the Internet. This platform will also allow for photos and resource materials to be shared with each audited municipality, creating an interactive experience that will lead to a better understanding of accessibility problems and acceptable remedies to identified issues. This system will also allow the G.A.B. to electronically collect audit response data and use this data to identify common solutions and best practices for compliance. This project is expected to be completed before the end of FFY-2015.

The AccessElections! System also continues to be integrated with the existing Statewide Voter Registration System (SVRS) to provide the details of each polling place's accessibility and provide a public portal for that information along with photos, maps to the polling place, accessible voting equipment information and tutorial videos available on the MyVote Wisconsin website. This feature is still in the development phase and will be integrated into a MyVote Wisconsin upgrade expected to be completed before the end of FFY-2015.

MyVote Wisconsin (<https://myvote.wi.gov/>) serves as Wisconsin's comprehensive voter information portal and includes information on voter registration, absentee voting, election

dates, polling place hours and location, sample ballots, elected official contact information, absentee ballot status, voting history, provisional ballot status, and other general information regarding voting. The MyVote Wisconsin site also facilitates voter registration by allowing voters to generate an electronic voter registration online, which is instantaneously logged in the SVRS, and can be quickly confirmed by the local election official once the signed original application is received. The MyVote Wisconsin site also hosts Wisconsin's military and overseas voter online ballot request and delivery system. This reporting period, MyVote Wisconsin received several updates to reflect changes in state law, provide better information and instructions to voters, fix minor defects, better utilize database resources, improve security, and implement miscellaneous improvements suggested by clerks and voters.

The MyVote Wisconsin website was also the subject of a usability review by nationally-recognized elections usability specialist Dana Chisnell, who came on-site at the G.A.B. office July 21-25, 2014. She provided training to staff in how to conduct usability sessions with members of the public to gather information on how easy or difficult it is to perform certain tasks on the MyVote Wisconsin site. Staff and Ms. Chisnell conducted seven in-person usability sessions with members of the general public in the Madison area, as well five remote sessions with citizens in other areas of Wisconsin as well as one overseas voter. She also assisted staff in summarizing and analyzing the data collected in the session to develop priorities for how to improve MyVote. Staff is now looking at ways to address those design priorities. Further usability studies will likely be done with different voter groups to continue to gather information on how MyVote can be improved.

The Ineligible Voter List system allows local election officials to access Department of Corrections' data on convicted felons currently under supervised release in the community. This online system allows local election officials to search statewide data for potential matches with new registrants and to print localized ineligible voter lists on demand. This system is more cost-effective and efficient than the former manual process of printing felon lists centrally and mailing them to their respective localities. Local election officials have applauded this new system to make the current process more effective and in some cases have eliminated the use of paper lists entirely through effective use of technology in the polling place to provide an entirely electronic check-in process.

Additionally, Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. During the reporting period Board staff has developed a tool that automates and better tracks this process. Using the tool, municipal clerks identify whether they believe that the voter and the offender are the same person and whether a vote was correctly recorded for the voter. Clerks are asked to attach a copy of the poll list page for the voter and the voter registration form. Clerks then assign the record back to Board staff and Board staff review the clerk's response. If the clerk indicates the records are not a match the case will be closed. If a clerk believes it is a match or is uncertain, Board staff will review the supporting documents attached and send a referral, if appropriate, to the appropriate district attorney. A dashboard interface has also been developed for DOC users to update felon information for potential matches. The testing of the new process has gone well and the clerks and DOC staff have found the dashboard website easy to use.

The new process has allowed Board staff to complete the data comparisons much more quickly and with more confidence in the referrals made to district attorneys. Board Staff completed the statutorily required post-election comparison of voters with the list of persons

who were under Department of Corrections (DOC) supervision for a felony conviction for the 16 statewide elections from February 2012 through April 2014. All matches were sent to municipal clerks for verification and review on or before June 20, 2014. So far, for the 16 elections audited from February 2012 through April 2014, 273 potential matches were identified and 33 names have been referred to district attorneys.

The Wisconsin Election Data Collection System (WEDCS) is where local election officials provide a large variety of election-related statistics such as the number of registered voters in their municipality, the number of absentee ballots issued/returned/counted/rejected, etc. This data is used to respond to a number of local inquiries as well as national surveys like the US EAC's Election Administration and Voting Survey. Board staff continues to refine the system and provide users with updated tutorials on completing the forms with more accurate and updated definitions.

Local election officials also submit actual election cost data (not estimates) through WEDCS. Cost data was gathered for one state-level election during the reporting period. Municipal and county clerks reported cost data in eight different pre-determined categories for each election. The cost categories include notices, ballots, absentee, voting equipment, polling place, poll workers, other local election officials, and miscellaneous costs which clerks are asked to specify. Local election officials will also submit annual cost reports for the 2014 calendar year on January 31, 2015. The G.A.B. incorporates the collection of election costs into its business practices because these costs are a major component in providing meaningful reporting on election results and statistics. In addition, this information helps:

- Convey the complete cost of conducting elections to chief executives, governing boards, and voters.
- Develop budgets for elections.
- Prepare fiscal impact statements on pending election-related legislation.
- Predict election costs based on voting trends and projected turnout.
- Identify potential cost savings.

Local election officials continue to use the SVRS to validate voter registration information against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) felon information and Department of Health Services (DHS) death data. Local election officials process these "HAVA Checks" and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since these interfaces first became functional in SVRS on August 6, 2008.

G.A.B. staff also completed several tasks related to certification and performance of voting equipment during FFY-2014. On July 2, 2014, Board staff received an Application for Approval of EVS 5.2.0.0 from Election Systems and Software (ES&S). EVS 5.2.0.0 is a federally tested and certified paper based, digital scan voting system powered by the ElectionWare software platform. It consists of six major components: an election management system (EMS) server; an EMS client (desktop and/or laptop computer) with election reporting manager (ERM) software; the ExpressVote, an Americans with Disabilities Act compliant vote capture device for a polling place; the AutoMARK, an Americans with Disabilities Act compliant ballot marking device for a polling place; the DS200, a polling place scanner and tabulator; and the DS850, a scanner and tabulator for a central count location. Board staff scheduled voting system evaluations and demonstrations for ES&S during the week of July 7-11, 2014.

As required by Wis. Admin. Code GAB § 7.02(1), staff conducted three mock elections with each component of the voting system: a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote. The mock elections offered an opportunity for staff to perform functional testing to ensure the system conforms to all Wisconsin requirements. Staff determined the results produced by the system matched the expected results from the test plan.

A public demonstration of the voting system was conducted July 8, 2014 and members of the public were able to use the system and provide comment. Ten people attended the public demonstration, with the majority of the attendees being either individuals with disabilities or representatives of organizations that advocate for the interests of individuals with disabilities. Also, on July 9, 2014 the Wisconsin Election Administration Council (WI-EAC), which is made up of municipal and county clerks, representatives of the disability community, and community advocates, participated in a demonstration by the manufacturer and evaluated the equipment.

At its September 4, 2014 meeting, the G.A.B. approved the Application for Approval of the Unity 3.4.0.0 system. This approval allows the system to be sold and used in Wisconsin as tested and certified.

ES&S also sought Board approval for EVS 5.3.0.0. EVS 5.3.0.0 is a federally tested modification to the EVS 5.2.0.0 voting system. The modification provides support for modeming of unofficial election results from a DS200 to a Secure File Transfer Protocol (SFTP) server through public analog or wireless telecommunications networks after the polls close on Election Day. EVS 5.3.0.0 lacks federal certification. The underlying voting system (EVS 5.2.0.0) is federally certified. As EVS 5.3.0.0 was not approved by the U.S. EAC, Board staff relied on testing protocols established in 2013 that allow the testing and certification of non-U.S. EAC certified voting systems where the underlying voting system received U.S. EAC certification to either the 2002 or 2005 Voluntary Voting System Guidelines (VVSG), but any additional modeming component will not meet the 2005 VVSG.

Board staff conducted the testing of EVS 5.3.0.0 in three counties: Rock, Jefferson and Marathon on July 10, 14, and 16, 2014, respectively. Based on the report of NTS, a federally certified voting system test laboratory and Board staff's own functional testing, the Board decided to grant approval to EVS 5.3.0.0 subject to several specific conditions regarding the system's configuration and use.

During this reporting period, Board staff has also conducted a pilot program for the use of the Prime III voting system. The Prime III system was developed by Clemson University and is the result of a three-year, \$4.5 million project funded by the U.S. Election Assistance Commission to increase the accessibility of voting systems. Both the Town of Kossuth and Town of Newton in Manitowoc County approved experimentation with the Prime III voting system at the April 1, 2014 election, and the Government Accountability Board (Board) affirmed its approval of the pilot program at its February 25, 2014 special teleconference.

Board staff worked collaboratively with members of the Clemson team and local election officials from Manitowoc County to design the voting interface and tabulation components. Board staff held a full day working meeting on January 24, 2014 in Madison with members of the Clemson team, the Manitowoc County Clerk, municipal clerks, and several Board staff members. Leading up to the election, Board staff conducted multiple trainings both with

local election officials and the public in Manitowoc County on how to use the Prime III. Board staff was also present to assist with the required public testing of the tabulation equipment conducted in the Towns of Newton and Kossuth, on March 27 and 28, 2014, respectively. Board staff was also present on Election Day to observe the use of the system and assist as necessary.

The Prime III pilot demonstrated that the Prime III voting system is an improvement over existing technology in several key areas and is in line with recommendations released by the Presidential Commission on Election Administration. However, because this was the first opportunity for the Prime III to be tested in an in-person Election Day scenario, more input from election officials throughout the country will be needed to improve the system's functionality and customizability for use by election officials. There remain a number of questions that will need to be addressed from an election administration perspective before this system can be deployed on a broader scale. For more information and our full list of recommendations, please see the complete report at: http://gab.wi.gov/sites/default/files/event/74/may_2014_open_materials_with_agenda_pdf_17225.pdf#page=7

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election. At the December 13, 2013 Board meeting, staff provided an update on the results of the 2008, 2010, and 2012 audits. The report indicated that the voting equipment in Wisconsin, some of which is nearly 20 years old, continues to accurately record the choices of Wisconsin voters.

To promote continued compliance with Title III requirements and improve data quality, Board staff drafted an election administration event calendar and Statewide Voter Registration System (SVRS) checklists covering all regularly scheduled elections and shared these materials with local election officials in order to improve consistency amongst the 1,924 local elections officials. Board staff monitors local elections and progression of election administration milestones in SVRS. As part of its post-election activities, the G.A.B. performed cross-system data analysis, comparing election statistics reported in WEDCS, canvass results, and voter participation in SVRS. Staff worked with local clerks in reviewing and reconciling these data sources. Board staff provides technical assistance on a daily basis via phone and email to local election officials to maintain Title III compliance and improve the administration of elections in Wisconsin.

For every statewide election, G.A.B. staff maintains special extended office hours to provide assistance to local election officials, candidates, and the public. Office hours are typically extended beginning the Wednesday before the election and continuing through the Friday following the election to address election-related concerns.

Board staff also provided targeted assistance to several local units of government to address unique local concerns such as residency issues and compliance with the language requirements of § 203 of the Voting Rights Act during FFY-2014.

2. Improving the administration of elections for Federal office – § 101(b)(1)(B).

In late 2013 Board staff began to revise ballot formats based on complaints by voters that ballots were “hard to understand” and “difficult to navigate.” Staff researched best practices and publications based on usability testing to compose simple instructions and to provide for

“cleaner-looking,” less cluttered ballots, and also incorporated informal feedback from local election officials. This effort was intended to improve consistency among ballot designs throughout the State while accommodating features and flexibility requested by ballot printers and voting equipment vendors.

This effort continued throughout 2014 as staff developed ballot formats for the spring elections, taking into consideration feedback from local election officials, printers and equipment vendors. The new design was used successfully for the 2014 spring elections with minimal feedback. Before the Fall 2014 elections Board staff also consulted with Dana Chisnell, a ballot design specialist, to review the new ballot format created by Board staff. Board staff continues to revise the new ballot designs based on feedback from the Board, local election officials, vendors, state legislators, and the Republican and Democratic state parties.

On January 22, 2014, the Presidential Commission on Election Administration (PCEA) delivered its report and recommendations to President Obama. President Obama appointed the Presidential Commission on Election Administration after the 2012 election brought to light problems with long lines at polling places and other issues. Director Kennedy met with the Commission’s co-chairs and testified before the Commission, which singled out Wisconsin for its best practices in the final report.

The Commission made nineteen recommendations. Sixteen of the recommendations were items for states to consider. Board staff identified seven of these recommendations have already been implemented in Wisconsin, six would require legislative changes, and three could be done administratively. Staff has also engaged in preliminary discussions with the Legislature and the Legislative Reference Bureau regarding the PCEA’s recommendations in anticipation that legislators may want to draft legislation based on the presidential commission report.

Board staff drafted a research report on the subject of electronic poll books. The report contained background on the subject of electronic poll books as well as Board staff’s recommendations as to minimum system requirements and required functionalities. Board staff also proposed a testing and approval process for the Board to follow in the event that approval of a system by the Board is requested under Wis. Stat. § 6.79(1m). Finally, Board staff recommended further study and analysis of the costs and benefits of developing an electronic poll book solution and requested the Board to direct staff to conduct such a study. Following presentation of the staff’s final report, the Board determined that further research and implementation of standards regarding electronic poll books should be halted for the time being.

The Government Accountability Board collaborated with the LaFollette School of Public Affairs at the University of Wisconsin – Madison to conduct two cost-benefit analysis (CBA) projects during the fall 2013 semester. The resulting reports were particularly helpful as the Legislature considered proposals related to on-line voter registration and the biennial maintenance of the voter registration list.

Major findings of the Online Versus Paper-Base Voter Registration CBA report include:

- Online registration would likely result in a net benefit for Wisconsin of \$1.01 million over the first 10-year period without including the cost of a substantial advertising campaign.

- Online voter registration would likely result in a net benefit for Wisconsin of \$372,000 (net present value, or NPV) over the first 10-year period when including \$638,900 for advertising the new online voter registration system.
- The group was unable to calculate increased usage of the system due to the advertising campaign, but noted that the additional usage would increase the net benefit. Therefore, the study could not determine if the increased usage due to the advertising campaign would offset the cost of the advertising.

Major findings of the Voter List Maintenance CBA report include:

- Conducting any of the analyzed voter list maintenance options at the local level is cost prohibitive and thus not considered a viable policy approach.
- Conducting voter list maintenance using the NCOA instead of mailing to voters who have not participated in four years would likely result in a net benefit for Wisconsin of \$582,000 (NPV) over a 10-year period.
- Conducting voter list maintenance using a hybrid approach of both NCOA and state coordinated mailings to voters who have not participated in four years would likely still create a net benefit of \$58,000 (NPV) over a 10-year period.

Board staff also developed and launched BADGER Voters (<http://BADGERVoters.gab.wi.gov>), an online application for processing common requests for voter data. This new website allows candidates, political parties, and the public to request SVRS voter data online, including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voter information. Data request customers can submit their requests, make payments online, and download the completed file from this new website.

Confidential information in the Statewide Voter Registration System (SVRS) remains protected under state law. Private data that cannot be purchased include a voter's date of birth, driver license number, Social Security number, special accommodation needs for voters with disabilities, financial information, or any information about "confidential voters" who are victims of domestic abuse, stalking or sexual assault.

Users must create an account through the State of Wisconsin's external account system, and online payments are managed by the Department of Administration through U.S. Bank. This new site leverages available security features to protect confidential information and ensure that the available data cannot be accessed free of charge. The database is read-only and the site only allows access to specific non-confidential information and is only available after successful processing of the payment. The details of these security measures are not enumerated here to help safeguard the process and confidential voter information.

This new site will free up the equivalent of approximately 0.50 FTE previously needed to process data requests manually. The BADGER Voters site will also reduce the average total process time from about five days to about 15 minutes for about 97 percent of all voter data requests processed. Revenue from the BADGER Voters site will continue to support SVRS maintenance, as well as SVRS training and support for county and municipal clerks.

G.A.B. IT staff began work in 2013 to participate in the national Voting Information Project (VIP), sponsored by the Pew Charitable Trusts. As part of the project, G.A.B. provides election related information such as polling places and sample ballot information so that search engines like Bing and Google can help educate voters on where to vote and what is on

the ballot. This enables the agency to leverage its voter lookup tools through integration with Microsoft and Google applications.

During the reporting period, Board staff continued to attempt final promulgation of Wisconsin Administrative Code Chapter 5: Ballot and Electronic Voting System Security. The final draft rule expands significantly on the old rule and provides additional guidance to local election officials on ballot and voting equipment security. Until the rule is finally promulgated, local election officials have been directed to follow the draft rule as the guidance of the Board on this topic.

Board staff also pursued final promulgation of Wisconsin Administrative Code Chapter 4: Election Observers. Following the submission of the Board's proposed permanent rule governing the conduct of election observers to the Legislature, and two public hearings before the elections oversight committees in the Senate and Assembly, Board staff had several meetings and discussions with the chairs of those committees and legislative staff. Those discussions resulted in a number of revisions to the proposed rule which were requested by the committee chairs. The revised rule was subsequently re-approved by the Board and forwarded to the Legislature for final consideration.

During onsite accessibility compliance reviews/audits in 2013-2014, staff also performed a visual inspection of the security tags on voting equipment to verify that serial numbers on the Inspectors' Statement matched the machines and tamper-evident seals. During the audits conducted during this reporting period, staff saw a general improvement in compliance with security procedures. The most common deficiency continues to be lack of adequate recordkeeping.

Earlier this year, Governor Walker signed 19 new laws which impact election administration law, policies, and procedures. As part of the 2014 legislation implementation process, Board staff utilized a team approach to analyze the procedural and technological changes required by the new legislation, develop staff recommendations on internal and external changes that needed to be made, determine guidance to be issued to local election officials and the public, and establish a timeline for implementation. As part of this process, Board staff recently completed extensive updates of the Election Day, Election Administration, Absentee Voting in Residential Care Facilities and Retirement Homes, and SVRS Training Manuals to reflect those changes and in the process also updated other guidance. Board staff also removed references in the manuals to the Voter Photo ID Law, pending resolution of the appeal of the federal court decision to the 7th Circuit Court of Appeals.

The *Election Day Manual*, a comprehensive guide to the Election Day duties of chief inspectors, poll workers, special registration deputies, tabulators and greeters, expanded by 25 pages to 174. The majority of the updates were made in the "Electors" and "Election Day Issues" chapters. The "Electors" chapter provides detailed information about voter qualifications, Election Day registration, proof of residence requirements, issuing ballots and the voting process. Staff developed a step-by-step procedure for election inspectors to follow for using the ineligible voter list and more detail was added to the acceptable forms of proof of residence section. The election observers section in the "Election Day Issues" chapter was expanded to incorporate significant legislative requirements and procedural changes. Staff also created or updated several forms due to these new requirements.

The *Election Administration Manual* provides clerks with guidance on their array of duties before, during and after an election. The manual increased by 40 pages to 248. Two new

chapters were written and added to the manual: “MyVote Wisconsin” which provides information and instruction about the website designed to provide Wisconsin residents with general and election-specific information, and “Wards, Districts, Reporting Units and Annexations,” designed to give clerks a more thorough understanding of wards and reporting units and the impact of annexations on their ward plan. Both the “Electors” and “Election Day Issues” chapters were updated in a manner similar to that outlined above for the *Election Day Manual*.

The *Absentee Voting in Residential Care Facilities and Retirement Homes Manual* was revised to provide expanded guidance on the appointment, duties and responsibilities of Special Voting Deputies (SVDs), and the processes they must follow when administering absentee voting in certain care facilities prior to an election. A new form was developed to allow a voter in such a facility to decline to vote in an election and remain on the indefinitely confined or calendar year list. The manual was distributed to clerks, SVDs, election observers, facility administrators and other interested members of the public for feedback and was available for clerks and SVDs to reference for the fall 2014 elections.

Finally, the *SVRS Training Manual* was updated to reflect new features in the SVRS system. Several modifications were made to SVRS and other G.A.B. IT systems as a result of recent legislative changes, which required updates to several chapters of the *SVRS Training Manual*. The most significant changes to the SVRS system relate to the proof of residency data fields. These technological updates, as well as new business processes regarding proof of residency for voter registration, necessitated substantial changes to the “Voter” and “Voter applications” chapters. Additional changes were made to the “Post-Election Activities” and “Provisional Ballot Tracker” chapters which also address several processes related to the proof of residency requirement.

The updated manuals represent Board staff’s efforts to balance presenting information in a clear and understandable format while accurately describing the changes to election laws due to legislative activity this reporting period. The analysis and implementation of new legislation was a project involving the entire Elections Division staff and required a significant commitment of time and resources in the midst of the agency’s regular priorities such as the processing of nomination papers and challenges, conducting training of local election officials, and preparing for the fall election cycle.

Finally, HAVA § 101 funds were used towards administrative expenses, such as equipment leases, office space, and telephone costs for the HAVA-funded staff.

3. Educating voters concerning voting procedures, voting rights and voting technology – § 101(b)(1)(C)

The G.A.B has continued implementation of a comprehensive initiative focused on voter education and technical assistance. The goal of the initiative is to inform Wisconsin electors about important aspects of election law and their rights and responsibilities. Some of the highlights of this initiative to educate voters include:

1. The use of social media including Facebook and Twitter.
2. Development and maintenance of voter education materials including a comprehensive frequently-asked questions list, quick explanatory brochures, and more substantive voting guides covering a wide variety of subject areas (voter registration, absentee voting, election-specific deadlines, etc.)

3. Updating of a voter education video entitled “Voting 101 – Back to Basics.”
 4. Development and maintenance of a comprehensive Voter Information Center page on the agency website.
4. Training election officials, poll workers and election volunteers – § 101(b)(1)(D)

The G.A.B. continued to utilize webinar software to conduct election administration training sessions and host teleconferences with 1,924 local election officials and thousands of front-line election inspectors. The webinar training platform allows the G.A.B. to deliver effective, timely, and uniform training at a reduced cost. The training materials include written material and web-based video recordings. The video training tools allow local election officials to learn in a variety of formats and provide on-demand training opportunities.

Due to positive feedback from county and municipal clerks regarding this method of training, Board staff launched a new webinar training series that focuses on the Statewide Voter Registration System. The new series covered topics such as new procedures from recent legislation, pre-election preparation, data quality and reporting.

Board staff also provided instructor-led and hands-on instruction to municipal and county clerks attending Wisconsin County and Municipal Clerks Associations various conferences and district meetings throughout the reporting period. Board staff also conducted in-depth SVRS election data classes at the Wisconsin Clerks Institute in July 2014. Board staff also provided election training to school district staff attending the annual Wisconsin Association of School Superintendent Assistants.

Board staff conducted 140 training classes for approximately 6,915 election officials, not including any training provided via on-demand online training. These classes ranged from classroom-structured in-person training, to large-scale teleconferences with hundreds of listeners at a time for refresher courses and updates on timely election subjects such as military and overseas absentee voting guidelines, common Election Day challenges and provisional ballot procedures. Election officials have the option to attend training live or review recorded webinars available for download from the G.A.B.’s website on-demand at no charge. To reduce costs, Board staff has focused on online training sessions instead of in-person classroom trainings. Board staff also attends and makes presentations at local election official annual conferences and district meetings. HAVA funds were used to print training materials and pay travel costs for agency staff.

Board staff also revised several election administration training resources (see Section 2 above) to reflect changes to the law and produced new materials to assist the public in understanding the registration and voting process. Notable training resources developed or revised during this period include the Election Administration Manual, Election Day Manual, SVRS Training Manual, and Absentee Voting in Residential Care Facilities and Retirement Homes manual.

Finally, HAVA § 101 funds were also used to send state election officials to national workshops and conferences to improve election administration and work with national election administrators to better improve elections.

5. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language – § 101(b)(1)(G).

The Wisconsin Government Accountability Board (G.A.B.) provides ongoing information and assistance to municipalities that are considering opening additional (new) polling places or moving existing polling places to a new location. The primary goal of the G.A.B. continues to be 100% accessibility compliance at all polling places in Wisconsin.

Board staff is carrying out the next phase of the Polling Place Accessibility Survey project, which is completing the implementation of a web-based system containing accessibility information for polling places statewide. The system is in place for internal G.A.B. use and has been used in the field on tablet computers during the onsite accessibility survey process. There are many advantages to the new online format, including more accurate data, the ability to attach photos and a survey report, and grant tracking capability.

The G.A.B. continues to employ a full-time Elections Specialist to serve as the Accessibility Coordinator. The Accessibility Coordinator is responsible for managing the polling place audit program and working with the IT team to continue to develop and improve the electronic survey format and the larger web-based system.

Beginning with the February 18, 2014 Spring Primary and continuing through the August 12, 2014 Partisan Primary, Government Accountability Board staff and representatives, primarily temporary workers, took advantage of the three statewide elections during the reporting period to conduct onsite accessibility compliance reviews. During this period, the Government Accountability Board conducted 398 onsite accessibility compliance audits, across 25 of Wisconsin's 72 counties, in 349 of Wisconsin's 1,852 municipalities.

Top findings of the 2014 accessibility compliance reviews include:

- Some polling places lack required election notices and/or those posted are not printed in 18 point font.
- Some polling places lack accessible parking spaces and/or have insufficient signage for accessible parking spaces.
- Some polling places have insufficient signage marking accessible entrances and accessible pathways.
- Some polling places lacked ADA-compliant booth or table for voters casting a paper ballot.
- Some polling places had accessible pathways with breaks or edges where the height difference was larger than ½ inch.
- Some polling places have doors that require excessive force to open, lack lever door handles, and/or do not have an electronic feature such as an automatic opener, power-assist, or bell/buzzer.

Board staff continue to meet periodically with an expanded Accessibility Advisory Committee. Representatives from nine different groups that work with people with disabilities serve on the committee and provide G.A.B. staff with information about the needs of voters in their specific communities. The Accessibility Advisory Committee has met regularly in coordination with the fall and spring election cycles and as needed to obtain

feedback on agency activities with regards to accessibility, and to leverage voter outreach programs.

Most recently during this reporting period, G.A.B. staff has reviewed and offered feedback on informational pamphlets and videos explaining voting rights that were produced by a disability rights organization. Advisory Group members have also ‘shadowed’ polling place accessibility auditors out in the field and offered feedback on the audit process. G.A.B. staff has also created public outreach materials aimed at voters with disabilities that have been widely distributed by organizations represented on the agency Accessibility Advisory Committee. These materials were designed to be distributed through a variety of platforms, including social media platforms and email lists.

To present a ballot audibly to a voter with visual impairments accessible voting equipment must be programmed with the correct pronunciation of candidate names. For the each State election during this reporting period, staff prepared a phonetic guide of candidate names.

6. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information – § 101(b)(1)(H).

The G.A.B. maintains a toll-free hotline (1-866-VOTE-WIS) to collect voter comments, questions, and complaints. During the reporting period, approximately 799 calls were received via this hotline.

Board staff also maintains the MyVote Wisconsin website, a voter information portal, to provide general election information, access detailed automated information regarding voter registration status, polling place location, and other relevant information. Voters may also provide comments or complaints via the website to report possible voting fraud, voting rights violations, or other violations. During the reporting period, 615 comments were received via the site. The most popular comments are typically:

- How do I change my address for voting?
- How do I change my name for voting?
- How do I find my polling place?
- How do I find a sample ballot?
- How can I remove a deceased relative from the poll book?

FEDERAL FINANCIAL REPORT

(Follow form instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted United States Election Assistance Commission	2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) 39.011 - Help America Vote Act (HAVA) Title I, § 101	Page 1	of 1
		1	pages

3. Recipient Organization (Name and complete address including Zip code)
Wisconsin Government Accountability Board, 212 E. Washington Ave., 3rd Floor, Madison WI 53707-7984

4a. DUNS Number 879324119	4b. EIN 06-1819765	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) CDFA# 90-401	6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	7. Basis of Accounting <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
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8. Project/Grant Period (Month, Day, Year) From: 4/10/2003 To: Until Disbursed	9. Reporting Period End Date (Month, Day, Year) 9/30/2014
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10. Transactions Cumulative
(Use lines a-c for single or multiple grant reporting)

Federal Cash (To report multiple grants, also use FFR Attachment):

a. Cash Receipts	
b. Cash Disbursements	
c. Cash on Hand (line a minus b)	

(Use lines d-o for single grant reporting)

Federal Expenditures and Unobligated Balance:

d. Total Federal funds authorized	\$	5,694,036.00
e. Federal share of expenditures	\$	4,668,418.26
f. Federal share of unliquidated obligations	\$	26,921.50
g. Total Federal share (sum of lines e and f)	\$	4,695,339.76
h. Unobligated balance of Federal funds (line d minus g)	\$	998,696.24

Recipient Share:

i. Total recipient share required	\$	4,622.06
j. Recipient share of expenditures	\$	-
k. Remaining recipient share to be provided (line i minus j)	\$	4,622.06

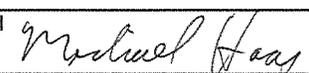
Program Income:

l. Total Federal program income earned	\$	1,749,394.98
m. Program income expended in accordance with the deduction alternative		
n. Program income expended in accordance with the addition alternative	\$	-
o. Unexpended program income (line l minus line m or line n)	\$	1,749,394.98

11. Indirect Expense	a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
					g. Totals:	0	0

12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation: Line 10i consists entirely of recipient program income, while line 10.l consists entirely of interest earnings.

13. Certification: By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and intent set forth in the award documents. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

a. Typed or Printed Name and Title of Authorized Certifying Official Michael R. Haas, Elections Division Administrator, Wisconsin Government Accountability Board	c. Telephone (Area code, number, and extension) (608) 266-0136
	d. Email Address Michael.Haas@wi.gov
b. Signature of Authorized Certifying Official 	e. Date Report Submitted (Month, Day, Year) 12-30-14

14. Agency use only

Standard Form 425 - Revised 6/28/2010
OMB Approval Number: 0348-0061
Expiration Date: 10/31/2011

Paperwork Burden Statement
According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.

STATE OF WISCONSIN
Wisconsin Government Accountability Board

HAVA, Title II, Section 251
Analysis & Description of Activities Funded
(October 1, 2013 – September 30, 2014)

In Wisconsin, elections are administered at the state level by the Government Accountability Board (G.A.B.), but are conducted at the local level by 1,924 local elections officials covering 72 counties and 1,852 municipalities.

During FFY-2014, the G.A.B. administered thirty-three elections. There were nine state-level elections held during the reporting period including three regularly scheduled elections including the 2014 Spring Primary, the 2014 Spring Election, the 2014 Partisan Primary; and six special elections to fill vacancies in the State Assembly. The G.A.B. also assisted in twenty-four other local elections including local recalls, school district referenda, and special elections. There were also fifteen recounts, which were conducted by local election officials supported by Board staff. Over the reporting period Wisconsin used approximately 2,667 polling places and recorded votes in 3,589 reporting units.

During the reporting period, HAVA 251 funds were used to support three general purposes:

1. Meet the requirements of Title III – § 251(b)(1).

Wisconsin became fully compliant with Title III of HAVA on August 6, 2008. HAVA § 251 funds have been used to support various activities that are required to keep the State in compliance with Title III.

The Wisconsin Government Accountability Board (G.A.B.) has assembled a technical team for applications development and support for G.A.B.'s IT systems. This team is co-managed by G.A.B. and the Wisconsin Department of Administration – Division of Enterprise Technology (DOA/DET). The IT team supports all Elections Division software applications including:

- Statewide Voter Registration System (SVRS)
- MyVote Wisconsin – our public information web portal
- Wisconsin Election Data Collection System (WEDCS)
- Canvass Reporting System (CRS)
- AccessElections! Accessibility Compliance System
- Provisional Ballot Tracking System
- Outstanding Absentee Reporting System
- Ineligible Voter List
- Felon Audit Dashboard
- BADGER Voters

The IT team also develops any new IT tools the Elections Division may need. The team is presently working to set up the building blocks of a new Modernized SVRS that will significantly boost performance and reduce operating costs. The new version of Microsoft Dynamics CRM 2013 has been installed on a server as a “sandbox” for IT and program staff to begin working on the layout of the new system. The team has completed work on the

primary navigation for the system, as well as the universal screen template that will be used throughout the system.

The SVRS and IT staff have been organized into teams to work on different modernization topics to allow for work to be done concurrently. IT staff began by building out the first node of the system – Jurisdictions and Districts, while program staff developed the security roles that clerks will have available to them in the modernized system.

Preliminary screens and features have been created to support district/address management and voter data management. The teams continue to work on the Elections, Absentee and Voter nodes. Each team is developing the overall design for their functional area as well as developing all the critical business rules and use cases that the IT team can use to build the new system. The new modernized SVRS is scheduled to go live in the fall of 2015.

Board staff installed updates to G.A.B. IT systems on several occasions during FFY-2014. These updates were for the following general purposes:

- Addition of new functionality
- General performance enhancements
- Resolution of technical issues with the software

The Statewide Voter Registration System (SVRS) received several significant updates this reporting period:

- SVRS was updated to include enhancements to the mapping features that will make it easier for clerks to assign voters to the correct districts.
- A minor release of SVRS (version 8.5 Sprint 2) was deployed on October 30, 2013 to fix three minor defects related to SVRS version 8.5 that were found after SVRS 8.5 was deployed.
- The death file import process was updated on November 27, 2013. This new process replaces the existing SVRS interface with the Wisconsin Department of Health Services (DHS) to provide state death records. DHS recently deployed a new death record tracking system which enabled the G.A.B. to improve the interface with SVRS.
- An emergency patch was installed on January 24, 2014. This patch corrected a problem with the address verification service that is used by both SVRS and MyVote Wisconsin. Certain addresses on voter applications in MyVote and SVRS were not being assigned to districts in SVRS, despite being valid addresses with accurate geographic locations. This patch corrected this problem.
- An emergency patch to SVRS was installed on March 14, 2014. This patch corrected a display issue with district and voter maps in SVRS that resulted from updates that Google made to the mapping plug-in used in SVRS. When clerks made a correction on the map, the screen would appear as if it was “processing” even after the change had been completed and saved. The patch corrected this problem.

- On April 28, 2014 updates were made to the SVRS servers to improve performance and disk space utilization.
- SVRS version 8.6 was installed on June 20, 2014 and included mandatory updates to SVRS to accommodate new legislation enacted in 2014. Most changes involved how Proof of Residence information is captured in SVRS. The update also included several routine bug fixes and an improvement to the time it takes to process voter applications in SVRS.

The G.A.B. staff continues to work with local Land Information Departments in acquiring updated ward boundaries to account for any recent annexations. The G.A.B. staff is working with municipal and county clerks to improve receipt of annexation ordinances. The Department of Administration (DOA) is continuing to send a quarterly list of all annexation ordinances it receives from municipalities.

The Canvass Reporting System (CRS) was updated this reporting period to implement several report fixes and updates requested by clerks. One notable fix was to resolve a technical issue with entering election night results.

The AccessElections! Accessibility Compliance System saw further improvements this reporting period. This system serves as a robust administration tool for the G.A.B. to further develop the accessibility survey design; enter paper survey data; review and analyze data; and generate reports. The system provides detailed reporting (customizable to state-specific requirements) to analyze survey data, including, but not limited to: identifying key barriers at polling places to match needs with accessibility supply orders; comparison reports by location; and providing a method to track polling place visits.

During the reporting period Board staff completed the implementation of a web-based system containing accessibility information for polling places statewide. The system is currently in place for internal G.A.B. use and has been used in the field on tablet computers during the onsite accessibility survey process. There are many advantages to the new online format, including more accurate data, the ability to attach photos to a survey report, and grant tracking capability.

The online reporting platform will eventually allow municipal officials to access their polling place accessibility audit data through the Internet. This platform will also allow for photos and resource materials to be shared with each audited municipality, creating an interactive experience that will lead to a better understanding of accessibility problems and acceptable remedies to identified issues. This system will also allow the G.A.B. to electronically collect audit response data and use this data to identify common solutions and best practices for compliance. This project is expected to be completed before the end of FFY-2015.

The AccessElections! System also continues to be integrated with the existing Statewide Voter Registration System (SVRS) to provide the details of each polling place's accessibility and provide a public portal for that information along with photos, maps to the polling place, accessible voting equipment information and tutorial videos available on the MyVote Wisconsin website. This feature is still in the development phase and will be integrated into a MyVote Wisconsin upgrade expected to be completed before the end of FFY-2015.

MyVote Wisconsin (<https://myvote.wi.gov/>) serves as Wisconsin's comprehensive voter information portal and includes information on voter registration, absentee voting, election dates, polling place hours and location, sample ballots, elected official contact information, absentee ballot status, voting history, provisional ballot status, and other general information regarding voting. The MyVote Wisconsin site also facilitates voter registration by allowing voters to generate an electronic voter registration online, which is instantaneously logged in the SVRS, and can be quickly confirmed by the local election official once the signed original application is received. The MyVote Wisconsin site also hosts Wisconsin's military and overseas voter online ballot request and delivery system. This reporting period, MyVote Wisconsin received several updates to reflect changes in state law, provide better information and instructions to voters, fix minor defects, better utilize database resources, improve security, and implement miscellaneous improvements suggested by clerks and voters.

The MyVote Wisconsin website was also the subject of a usability review by nationally-recognized elections usability specialist Dana Chisnell, who came on-site at the G.A.B. office July 21-25, 2014. She provided training to staff in how to conduct usability sessions with members of the public to gather information on how easy or difficult it is to perform certain tasks on the MyVote Wisconsin site. Staff and Ms. Chisnell conducted seven in-person usability sessions with members of the general public in the Madison area, as well five remote sessions with citizens in other areas of Wisconsin as well as one overseas voter. She also assisted staff in summarizing and analyzing the data collected in the session to develop priorities for how to improve MyVote. Staff is now looking at ways to address those design priorities. Further usability studies will likely be done with different voter groups to continue to gather information on how MyVote can be improved.

The Ineligible Voter List system allows local election officials to access Department of Corrections' data on convicted felons currently under supervised release in the community. This online system allows local election officials to search statewide data for potential matches with new registrants and to print localized ineligible voter lists on demand. This system is more cost-effective and efficient than the former manual process of printing felon lists centrally and mailing them to their respective localities. Local election officials have applauded this new system to make the current process more effective and in some cases have eliminated the use of paper lists entirely through effective use of technology in the polling place to provide an entirely electronic check-in process.

Additionally, Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. During the reporting period Board staff has developed a tool that automates and better tracks this process. Using the tool, municipal clerks identify whether they believe that the voter and the offender are the same person and whether a vote was correctly recorded for the voter. Clerks are asked to attach a copy of the poll list page for the voter and the voter registration form. Clerks then assign the record back to Board staff and Board staff review the clerk's response. If the clerk indicates the records are not a match the case will be closed. If a clerk believes it is a match or is uncertain, Board staff will review the supporting documents attached and send a referral, if appropriate, to the appropriate district attorney. A dashboard interface has also been developed for DOC users to update felon information for potential matches. The testing of the new process has gone well and the clerks and DOC staff have found the dashboard website easy to use.

The new process has allowed Board staff to complete the data comparisons much more quickly and with more confidence in the referrals made to district attorneys. Board Staff completed the statutorily required post-election comparison of voters with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction for the 16 statewide elections from February 2012 through April 2014. All matches were sent to municipal clerks for verification and review on or before June 20, 2014. So far, for the 16 elections audited from February 2012 through April 2014, 273 potential matches were identified and 33 names have been referred to district attorneys.

The Wisconsin Election Data Collection System (WEDCS) is where local election officials provide a large variety of election-related statistics such as the number of registered voters in their municipality, the number of absentee ballots issued/returned/counted/rejected, etc. This data is used to respond to a number of local inquiries as well as national surveys like the US EAC's Election Administration and Voting Survey. Board staff continues to refine the system and provide users with updated tutorials on completing the forms with more accurate and updated definitions.

Local election officials also submit actual election cost data (not estimates) through WEDCS. Cost data was gathered for one state-level election during the reporting period. Municipal and county clerks reported cost data in eight different pre-determined categories for each election. The cost categories include notices, ballots, absentee, voting equipment, polling place, poll workers, other local election officials, and miscellaneous costs which clerks are asked to specify. Local election officials will also submit annual cost reports for the 2014 calendar year on January 31, 2015. The G.A.B. incorporates the collection of election costs into its business practices because these costs are a major component in providing meaningful reporting on election results and statistics. In addition, this information helps:

- Convey the complete cost of conducting elections to chief executives, governing boards, and voters.
- Develop budgets for elections.
- Prepare fiscal impact statements on pending election-related legislation.
- Predict election costs based on voting trends and projected turnout.
- Identify potential cost savings.

Local election officials continue to use the SVRS to validate voter registration information against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) felon information and Department of Health Services (DHS) death data. Local election officials process these "HAVA Checks" and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since these interfaces first became functional in SVRS on August 6, 2008.

G.A.B. staff also completed several tasks related to certification and performance of voting equipment during FFY-2014. On July 2, 2014, Board staff received an Application for Approval of EVS 5.2.0.0 from Election Systems and Software (ES&S). EVS 5.2.0.0 is a federally tested and certified paper based, digital scan voting system powered by the ElectionWare software platform. It consists of six major components: an election management system (EMS) server; an EMS client (desktop and/or laptop computer) with election reporting manager (ERM) software; the ExpressVote, an Americans with Disabilities Act compliant vote capture device for a polling place; the AutoMARK, an Americans with Disabilities Act compliant ballot marking device for a polling place; the

DS200, a polling place scanner and tabulator; and the DS850, a scanner and tabulator for a central count location. Board staff scheduled voting system evaluations and demonstrations for ES&S during the week of July 7-11, 2014.

As required by Wis. Admin. Code GAB § 7.02(1), staff conducted three mock elections with each component of the voting system: a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote. The mock elections offered an opportunity for staff to perform functional testing to ensure the system conforms to all Wisconsin requirements. Staff determined the results produced by the system matched the expected results from the test plan.

A public demonstration of the voting system was conducted July 8, 2014 and members of the public were able to use the system and provide comment. Ten people attended the public demonstration, with the majority of the attendees being either individuals with disabilities or representatives of organizations that advocate for the interests of individuals with disabilities. Also, on July 9, 2014 the Wisconsin Election Administration Council (WI-EAC), which is made up of municipal and county clerks, representatives of the disability community, and community advocates, participated in a demonstration by the manufacturer and evaluated the equipment.

At its September 4, 2014 meeting, the G.A.B. approved the Application for Approval of the Unity 3.4.0.0 system. This approval allows the system to be sold and used in Wisconsin as tested and certified.

ES&S also sought Board approval for EVS 5.3.0.0. EVS 5.3.0.0 is a federally tested modification to the EVS 5.2.0.0 voting system. The modification provides support for modeming of unofficial election results from a DS200 to a Secure File Transfer Protocol (SFTP) server through public analog or wireless telecommunications networks after the polls close on Election Day. EVS 5.3.0.0 lacks federal certification. The underlying voting system (EVS 5.2.0.0) is federally certified. As EVS 5.3.0.0 was not approved by the U.S. EAC, Board staff relied on testing protocols established in 2013 that allow the testing and certification of non-U.S. EAC certified voting systems where the underlying voting system received U.S. EAC certification to either the 2002 or 2005 Voluntary Voting System Guidelines (VVSG), but any additional modeming component will not meet the 2005 VVSG.

Board staff conducted the testing of EVS 5.3.0.0 in three counties: Rock, Jefferson and Marathon on July 10, 14, and 16, 2014, respectively. Based on the report of NTS, a federally certified voting system test laboratory and Board staff's own functional testing, the Board decided to grant approval to EVS 5.3.0.0 subject to several specific conditions regarding the system's configuration and use.

During this reporting period, Board staff has also conducted a pilot program for the use of the Prime III voting system. The Prime III system was developed by Clemson University and is the result of a three-year, \$4.5 million project funded by the U.S. Election Assistance Commission to increase the accessibility of voting systems. Both the Town of Kossuth and Town of Newton in Manitowoc County approved experimentation with the Prime III voting system at the April 1, 2014 election, and the Government Accountability Board (Board) affirmed its approval of the pilot program at its February 25, 2014 special teleconference.

Board staff worked collaboratively with members of the Clemson team and local election officials from Manitowoc County to design the voting interface and tabulation components.

Board staff held a full day working meeting on January 24, 2014 in Madison with members of the Clemson team, the Manitowoc County Clerk, municipal clerks, and several Board staff members. Leading up to the election, Board staff conducted multiple trainings both with local election officials and the public in Manitowoc County on how to use the Prime III. Board staff was also present to assist with the required public testing of the tabulation equipment conducted in the Towns of Newton and Kossuth, on March 27 and 28, 2014, respectively. Board staff was also present on Election Day to observe the use of the system and assist as necessary.

The Prime III pilot demonstrated that the Prime III voting system is an improvement over existing technology in several key areas and is in line with recommendations released by the Presidential Commission on Election Administration. However, because this was the first opportunity for the Prime III to be tested in an in-person Election Day scenario, more input from election officials throughout the country will be needed to improve the system's functionality and customizability for use by election officials. There remain a number of questions that will need to be addressed from an election administration perspective before this system can be deployed on a broader scale. For more information and our full list of recommendations, please see the complete report at:

http://gab.wi.gov/sites/default/files/event/74/may_2014_open_materials_with_agenda_pdf_17225.pdf#page=7

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election. At the December 13, 2013 Board meeting, staff provided an update on the results of the 2008, 2010, and 2012 audits. The report indicated that the voting equipment in Wisconsin, some of which is nearly 20 years old, continues to accurately record the choices of Wisconsin voters.

To promote continued compliance with Title III requirements and improve data quality, Board staff drafted an election administration event calendar and Statewide Voter Registration System (SVRS) checklists covering all regularly scheduled elections and shared these materials with local election officials in order to improve consistency amongst the 1,924 local elections officials. Board staff monitors local elections and progression of election administration milestones in SVRS. As part of its post-election activities, the G.A.B performed cross-system data analysis, comparing election statistics reported in WEDCS, canvass results, and voter participation in SVRS. Staff worked with local clerks in reviewing and reconciling these data sources. Board staff provides technical assistance on a daily basis via phone and email to local election officials to maintain Title III compliance and improve the administration of elections in Wisconsin.

For every statewide election, G.A.B. staff maintains special extended office hours to provide assistance to local election officials, candidates, and the public. Office hours are typically extended beginning the Wednesday before the election and continuing through the Friday following the election to address election-related concerns.

Board staff also provided targeted assistance to several local units of government to address unique local concerns such as residency issues and compliance with the language requirements of § 203 of the Voting Rights Act during FFY-2014.

2. Improve the administration of elections for Federal office – § 251(b)(2).

In late 2013 Board staff began to revise ballot formats based on complaints by voters that ballots were “hard to understand” and “difficult to navigate.” Staff researched best practices and publications based on usability testing to compose simple instructions and to provide for “cleaner-looking,” less cluttered ballots, and also incorporated informal feedback from local election officials. This effort was intended to improve consistency among ballot designs throughout the State while accommodating features and flexibility requested by ballot printers and voting equipment vendors.

This effort continued throughout 2014 as staff developed ballot formats for the spring elections, taking into consideration feedback from local election officials, printers and equipment vendors. The new design was used successfully for the 2014 spring elections with minimal feedback. Before the Fall 2014 elections Board staff also consulted with Dana Chisnell, a ballot design specialist, to review the new ballot format created by Board staff. Board staff continues to revise the new ballot designs based on feedback from the Board, local election officials, vendors, state legislators, and the Republican and Democratic state parties.

On January 22, 2014, the Presidential Commission on Election Administration (PCEA) delivered its report and recommendations to President Obama. President Obama appointed the Presidential Commission on Election Administration after the 2012 election brought to light problems with long lines at polling places and other issues. Director Kennedy met with the Commission’s co-chairs and testified before the Commission, which singled out Wisconsin for its best practices in the final report.

The Commission made nineteen recommendations. Sixteen of the recommendations were items for states to consider. Board staff identified seven of these recommendations have already been implemented in Wisconsin, six would require legislative changes, and three could be done administratively. Staff has also engaged in preliminary discussions with the Legislature and the Legislative Reference Bureau regarding the PCEA’s recommendations in anticipation that legislators may want to draft legislation based on the presidential commission report.

Board staff drafted a research report on the subject of electronic poll books. The report contained background on the subject of electronic poll books as well as Board staff’s recommendations as to minimum system requirements and required functionalities. Board staff also proposed a testing and approval process for the Board to follow in the event that approval of a system by the Board is requested under Wis. Stat. § 6.79(1m). Finally, Board staff recommended further study and analysis of the costs and benefits of developing an electronic poll book solution and requested the Board to direct staff to conduct such a study. Following presentation of the staff’s final report, the Board determined that further research and implementation of standards regarding electronic poll books should be halted for the time being.

The Government Accountability Board collaborated with the LaFollette School of Public Affairs at the University of Wisconsin – Madison to conduct two cost-benefit analysis (CBA) projects during the fall 2013 semester. The resulting reports were particularly helpful as the Legislature considered proposals related to on-line voter registration and the biennial maintenance of the voter registration list.

Major findings of the Online Versus Paper-Base Voter Registration CBA report include:

- Online registration would likely result in a net benefit for Wisconsin of \$1.01 million over the first 10-year period without including the cost of a substantial advertising campaign.
- Online voter registration would likely result in a net benefit for Wisconsin of \$372,000 (net present value, or NPV) over the first 10-year period when including \$638,900 for advertising the new online voter registration system.
- The group was unable to calculate increased usage of the system due to the advertising campaign, but noted that the additional usage would increase the net benefit. Therefore, the study could not determine if the increased usage due to the advertising campaign would offset the cost of the advertising.

Major findings of the Voter List Maintenance CBA report include:

- Conducting any of the analyzed voter list maintenance options at the local level is cost prohibitive and thus not considered a viable policy approach.
- Conducting voter list maintenance using the NCOA instead of mailing to voters who have not participated in four years would likely result in a net benefit for Wisconsin of \$582,000 (NPV) over a 10-year period.
- Conducting voter list maintenance using a hybrid approach of both NCOA and state coordinated mailings to voters who have not participated in four years would likely still create a net benefit of \$58,000 (NPV) over a 10-year period.

Board staff also developed and launched BADGER Voters

(<http://BADGERVoters.gab.wi.gov>), an online application for processing common requests for voter data. This new website allows candidates, political parties, and the public to request SVRS voter data online, including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voter information. Data request customers can submit their requests, make payments online, and download the completed file from this new website.

Confidential information in the Statewide Voter Registration System (SVRS) remains protected under state law. Private data that cannot be purchased include a voter's date of birth, driver license number, Social Security number, special accommodation needs for voters with disabilities, financial information, or any information about "confidential voters" who are victims of domestic abuse, stalking or sexual assault.

Users must create an account through the State of Wisconsin's external account system, and online payments are managed by the Department of Administration through U.S. Bank. This new site leverages available security features to protect confidential information and ensure that the available data cannot be accessed free of charge. The database is read-only and the site only allows access to specific non-confidential information and is only available after successful processing of the payment. The details of these security measures are not enumerated here to help safeguard the process and confidential voter information.

This new site will free up the equivalent of approximately 0.50 FTE previously needed to process data requests manually. The BADGER Voters site will also reduce the average total process time from about five days to about 15 minutes for about 97 percent of all voter data requests processed. Revenue from the BADGER Voters site will continue to support SVRS maintenance, as well as SVRS training and support for county and municipal clerks.

G.A.B. IT staff began work in 2013 to participate in the national Voting Information Project (VIP), sponsored by the Pew Charitable Trusts. As part of the project, G.A.B. provides election related information such as polling places and sample ballot information so that search engines like Bing and Google can help educate voters on where to vote and what is on the ballot. This enables the agency to leverage its voter lookup tools through integration with Microsoft and Google applications.

During the reporting period, Board staff continued to attempt final promulgation of Wisconsin Administrative Code Chapter 5: Ballot and Electronic Voting System Security. The final draft rule expands significantly on the old rule and provides additional guidance to local election officials on ballot and voting equipment security. Until the rule is finally promulgated, local election officials have been directed to follow the draft rule as the guidance of the Board on this topic.

Board staff also pursued final promulgation of Wisconsin Administrative Code Chapter 4: Election Observers. Following the submission of the Board's proposed permanent rule governing the conduct of election observers to the Legislature, and two public hearings before the elections oversight committees in the Senate and Assembly, Board staff had several meetings and discussions with the chairs of those committees and legislative staff. Those discussions resulted in a number of revisions to the proposed rule which were requested by the committee chairs. The revised rule was subsequently re-approved by the Board and forwarded to the Legislature for final consideration.

During onsite accessibility compliance reviews/audits in 2013-2014, staff also performed a visual inspection of the security tags on voting equipment to verify that serial numbers on the Inspectors' Statement matched the machines and tamper-evident seals. During the audits conducted during this reporting period, staff saw a general improvement in compliance with security procedures. The most common deficiency continues to be lack of adequate recordkeeping.

Earlier this year, Governor Walker signed 19 new laws which impact election administration law, policies, and procedures. As part of the 2014 legislation implementation process, Board staff utilized a team approach to analyze the procedural and technological changes required by the new legislation, develop staff recommendations on internal and external changes that needed to be made, determine guidance to be issued to local election officials and the public, and establish a timeline for implementation. As part of this process, Board staff recently completed extensive updates of the Election Day, Election Administration, Absentee Voting in Residential Care Facilities and Retirement Homes, and SVRS Training Manuals to reflect those changes and in the process also updated other guidance. Board staff also removed references in the manuals to the Voter Photo ID Law, pending resolution of the appeal of the federal court decision to the 7th Circuit Court of Appeals.

The *Election Day Manual*, a comprehensive guide to the Election Day duties of chief inspectors, poll workers, special registration deputies, tabulators and greeters, expanded by 25 pages to 174. The majority of the updates were made in the "Electors" and "Election Day Issues" chapters. The "Electors" chapter provides detailed information about voter qualifications, Election Day registration, proof of residence requirements, issuing ballots and the voting process. Staff developed a step-by-step procedure for election inspectors to follow for using the ineligible voter list and more detail was added to the acceptable forms of proof of residence section. The election observers section in the "Election Day Issues" chapter was

expanded to incorporate significant legislative requirements and procedural changes. Staff also created or updated several forms due to these new requirements.

The *Election Administration Manual* provides clerks with guidance on their array of duties before, during and after an election. The manual increased by 40 pages to 248. Two new chapters were written and added to the manual: “MyVote Wisconsin” which provides information and instruction about the website designed to provide Wisconsin residents with general and election-specific information, and “Wards, Districts, Reporting Units and Annexations,” designed to give clerks a more thorough understanding of wards and reporting units and the impact of annexations on their ward plan. Both the “Electors” and “Election Day Issues” chapters were updated in a manner similar to that outlined above for the *Election Day Manual*.

The *Absentee Voting in Residential Care Facilities and Retirement Homes Manual* was revised to provide expanded guidance on the appointment, duties and responsibilities of Special Voting Deputies (SVDs), and the processes they must follow when administering absentee voting in certain care facilities prior to an election. A new form was developed to allow a voter in such a facility to decline to vote in an election and remain on the indefinitely confined or calendar year list. The manual was distributed to clerks, SVDs, election observers, facility administrators and other interested members of the public for feedback and was available for clerks and SVDs to reference for the fall 2014 elections.

Finally, the *SVRS Training Manual* was updated to reflect new features in the SVRS system. Several modifications were made to SVRS and other G.A.B. IT systems as a result of recent legislative changes, which required updates to several chapters of the *SVRS Training Manual*. The most significant changes to the SVRS system relate to the proof of residency data fields. These technological updates, as well as new business processes regarding proof of residency for voter registration, necessitated substantial changes to the “Voter” and “Voter applications” chapters. Additional changes were made to the “Post-Election Activities” and “Provisional Ballot Tracker” chapters which also address several processes related to the proof of residency requirement.

The updated manuals represent Board staff’s efforts to balance presenting information in a clear and understandable format while accurately describing the changes to election laws due to legislative activity this reporting period. The analysis and implementation of new legislation was a project involving the entire Elections Division staff and required a significant commitment of time and resources in the midst of the agency’s regular priorities such as the processing of nomination papers and challenges, conducting training of local election officials, and preparing for the fall election cycle.

Finally, HAVA § 251 funds were used towards administrative expenses, such as equipment leases, office space, and telephone costs for the HAVA-funded staff.

3. Meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act – HAVA § 251(b)(3).

Since the enactment of the Military and Overseas Voter Empowerment (MOVE) Act, Wisconsin has made significant legislative and administrative improvements to the election process to enhance voting opportunities for UOCAVA electors, in addition to implementing the federal requirements. At the urging of the Government Accountability Board (G.A.B),

the Wisconsin Legislature moved the date of the fall Partisan Primary from the second Tuesday in September to the second Tuesday in August, and moved the date of the Presidential Preference Primary from the third Tuesday in February to the first Tuesday in April. These statutory changes removed a structural barrier to complying with the MOVE Act and were made to allow ballots to be delivered to UOCAVA voters in a timely manner.

In the fall of 2012, the G.A.B. launched the MyVote Wisconsin website (<https://MyVote.WI.gov>) to allow military and overseas voters to request and access their ballots online, and provides extensive information about the voting process. This online absentee ballot delivery system for UOCAVA voters was created with funds received from a \$1.9 million grant from the Federal Voting Assistance Program through the Electronic Absentee Systems for Elections (EASE) project. The MyVote Wisconsin website continued to be a popular tool at elections during the reporting period and continued to reduce the transit time necessary for absentee ballots of UOCAVA voters.

This reporting period, MyVote Wisconsin received several updates (See Section 1 above) to reflect changes in state law, better support the online ballot delivery system for military and overseas voters, and provide a better usability.

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

2014 Election Administration Major Achievements

1. **Administration of Four Successful Statewide Elections and Other Election Events:**
Government Accountability Board (G.A.B.) staff worked in conjunction with its 1,852 municipal clerk partners, 72 county clerk partners, and over 30,000 other local election officials to successfully conduct four statewide elections. Also, the G.A.B. provided administrative guidance to local election officials for several local and special elections, and organized and oversaw two recounts for legislative offices after the Partisan Primary. In addition to training and support of local election officials, G.A.B. staff worked with numerous candidates, political committees, and other organizations to prepare for the elections. Prior to the November General Election, staff organized meetings with representatives of the Republican and Democratic Parties to discuss issues of concern and preparations.
 - **Ballot Access Procedures:** For the spring nonpartisan elections and the fall partisan elections, G.A.B. staff assisted candidates with the filing of ballot access documents. Staff completed the review of nomination papers submitted by candidates for state and federal offices (52 candidates for the Spring Election and 316 candidates for the General Election) and made recommendations regarding Board certification of candidates or denial of ballot access. Staff also processed and evaluated challenges to nomination papers as well as appeals regarding decisions of local filing officers. The compressed statutory timeline for review of challenges to nomination papers of partisan candidates required extraordinary effort of numerous staff to complete the analysis and recommendations for Board consideration.
 - **SVRS Checklists:** Checklists are step-by-step instructions provided to county and municipal clerks to guide them through the election setup and completion process in the Statewide Voter Registration System (SVRS). Included in the checklists are reminders to complete SVRS maintenance tasks, such as reviewing death, felony and duplicate voter records to ensure up-to-date and accurate poll books. Staff produced and distributed three SVRS checklists for each of the four 2014 regular elections. Checklists must be modified and tailored to each specific election, and staff monitors clerk progress by running data queries and then following up by contacting clerks individually when necessary.
 - **Extended Office Hours:** G.A.B. staff members were available to assist local election officials before and after regular business hours in the days leading up to and after regular elections, as well as during the conduct of recounts. G.A.B. staff was available for 18 hours on the each of the days of the Partisan Primary and the General Election to assist with issues ranging from the opening of polling places to the reporting of unofficial results

on Election Night. Staff also logged every telephone call received during the three-week period surrounding each election to track the type of issues which arose and the resolution of those issues.

2. Voter Photo Identification (ID): Throughout the year, G.A.B. staff continued to monitor the status of cases at both the state and federal level involving 2011 Wisconsin Act 23, the Voter Photo ID Law. The law was first enjoined by Dane County Circuit Court Judge David Flanagan on March 6, 2012, and was later enjoined in federal court by Judge Lynn Adelman. Both decisions were appealed to higher courts, and multiple staff members were called to give testimony in these cases and to assist Department of Justice attorneys in preparing for trials and court hearings.

On July 31, 2014, the Wisconsin Supreme Court lifted the injunction issued by Judge Flanagan, and on September 12, 2014, the 7th Circuit Court of Appeals lifted the injunction issued by Judge Adelman. G.A.B. staff quickly implemented necessary changes to absentee voting procedures before the September 18 deadline for municipal clerks to send ballots to voters with an absentee ballot application on file.

Forms were updated and made available to municipal clerks by high-priority communication on September 17. Substantial staff time was then dedicated to updating the Election Administration Manual and the Election Day Manual to reflect both the reinstatement of the Voter Photo ID Law and related legislative changes enacted after the original injunction. High-priority guidance and training was provided to municipal clerks. The 2011 "Bring it to the Ballot!" public education campaign, including television, radio and internet ads, was updated with current information and prepared for immediate release. Staff updated both the SVRS system and the MyVote Wisconsin website to reflect that the photo ID requirement was in effect and to provide functions and features to support the photo ID law.

On October 9, 2014, the United States Supreme Court ordered that the photo ID requirement would not be in effect for the November 4, 2014 General Election. Staff immediately notified county and municipal clerks and removed all references to photo ID from the G.A.B. and MyVote Wisconsin websites, posting previous versions of forms and manuals. The public education program was pulled.

Through Election Day, November 4, 2014, staff continued to respond to inquiries regarding the photo ID law and provide guidance and instructions not to implement the blocked law.

Implementing legislative and court developments affecting the photo ID requirement required prompt, focused, flexible and coordinated efforts of the program staff, IT staff, and legal counsel, as well as effective communication and partnership with local election officials. Staff continues to monitor the status of the United States Supreme Court case regarding 2011 Wisconsin Act 23.

3. Other Legislative Changes: The 2013-2014 Legislative Session saw the adoption of 18 bills affecting the administration of elections, each of which was promptly addressed by

G.A.B. staff and incorporated into the G.A.B.'s ongoing Election Official training program and into G.A.B. IT systems including SVRS, MyVote Wisconsin and the Wisconsin Election Data Collection System (WEDCS). Some notable legislative changes administered and implemented by G.A.B. staff include:

- 2013 Wisconsin Act 146: Limiting the times for voting by absentee ballot in person.
 - 2013 Wisconsin Act 148: Requiring clerks and the G.A.B. to report statistics regarding the verification postcard audit that is performed on voter registrations received at the polls on Election Day.
 - 2013 Wisconsin Act 149: Transferring the responsibility for reviewing the voter registration list and mailing notices to voters from local election officials to the G.A.B., and requiring new statistical reports from the G.A.B.
 - 2013 Wisconsin Act 159: Substantially changing absentee voting at residential care facilities.
 - 2013 Wisconsin Acts 160 and 174: Requiring nomination signatures to include a legible printed name and changing the number of required signatures for aldermanic districts in second and third class cities, respectively.
 - 2013 Wisconsin Acts 177, 178, 179, 180, 181: Collectively requiring substantial changes to the way Chief Inspectors conduct their polling places, the way write-in ballots are counted, and the way Election Inspectors are selected.
 - 2013 Wisconsin Act 182: Requiring all non-UOCAVA electors to provide a proof of residence document when registering to vote, regardless of the registration period, and requiring clerks to track information regarding the proof of residence document used.
4. Election Calendar: G.A.B. staff creates and publishes a yearly, comprehensive Calendar of Election and Campaign Events that includes all election related (Election Administration, Campaign Finance, and SVRS) tasks and deadlines. It is a key tool utilized by local clerks and staff and is available publicly on the G.A.B. website.
5. Training and Guidance: The G.A.B. provides training to local election officials, including county and municipal clerks, chief inspectors, regular election inspectors, special voting deputies, special registration deputies and local boards of canvassers.
- Webinars/Videos: The G.A.B. continued to produce timely election administration training sessions on rapidly changing legislative requirements and procedures, SVRS computer application training, teleconferences and training modules using webinar software. The Elections Division staff has produced 24 educational videos relating to election administration and SVRS topics and processes, including 19 recorded webinar sessions, three videos on accessibility-related topics, and two videos on topical subjects.

- In-person Trainings: The G.A.B. continued to provide initial training classes for new municipal clerks and new chief inspectors using a combination of live webinars conducted by Board staff and in-person training classes conducted by certified clerk-trainers. Staff and clerk-trainers delivered 49 Baseline Chief Inspector training classes and trained over 1700 new and current chief inspectors and municipal clerks (current chief inspectors and municipal clerks are allowed to take the course once per 2-year term as a refresher). Trainers also conducted 13 Municipal Clerk Core training classes and trained 290 new municipal clerks and current clerks seeking refresher training. Based on the results of the 2014 SVRS training survey, staff conducted 13 strategically-located regional Application, Election Management/HAVA Interfaces and Absentee Process computer training for 172 municipal and county clerks who provide or self-provide SVRS services. Staff further extended the agency's training reach by conducting a new "Train the Trainer" session whereby staff trained 10 qualified and experienced county and municipal clerks to conduct Baseline Chief Inspector training locally.
- Training Manual Updates: G.A.B. staff updated the Election_Day and Election Administration Manuals to reflect new laws approved by the state legislature and changes in the status of the Voter Photo ID Law due to various court decisions. Staff updated the manual regarding Absentee Voting in Residential Care Facilities and Retirement Homes for the second time in two years due to legislative changes, and solicited and incorporated input from legislators, clerks, Special Voting Deputies and interested members of the public in the process. Finally, staff made significant changes in manuals related to agency technology systems, including MyVote Wisconsin, the Voter Felon Audit and the SVRS Provisional Tracker, as well as revising ten chapters of the SVRS Manual to accommodate legislative revisions.
- Clerk Association Presentations: The G.A.B. continued its successful practice of attending the annual and district conferences of the Wisconsin County Clerks Association, Wisconsin Municipal Clerks Association, Wisconsin Towns Association, Wisconsin League of Wisconsin Municipalities, Wisconsin Association of School Superintendent Assistants and Wisconsin Municipal Clerks and Treasurers Institute to provide legislative updates, education and training on clerk and local election official duties and to solicit input on pending legislative proposals and other procedures.
- Clerk Communications: G.A.B. staff continues a commitment to effective and timely communicate to local election officials through a series of "Clerk Communications" which are posted to the agency website and categorized according to their urgency and priority. In 2014, staff prepared and posted approximately 115 such communications on a variety of topics including legislative changes, election preparations, the status of Photo ID litigation, and required tasks to be completed in SVRS. Complete and accurate communications typically require the drafting and editing work of several staff members.
- Answering Questions: The G.A.B. also responds to specific requests for information ranging from the thousands of phone calls the agency receives every year to formal requests for guidance. As a significant example, staff developed guidance for

“Curbside Voting” in response to an inquiry from the Milwaukee Election Commission. This guidance expands on previous procedures to provide greater security and privacy to the curbside voting process.

Some questions recur with sufficient frequency to make them noteworthy. In addition to addressing these questions as they arise, staff notes what questions arise with the greatest frequency and incorporates them into future trainings.

6. Assistance to Legislature: G.A.B. staff provided information and answered questions from legislators and legislative staff regarding legislative proposals as well as specific inquiries from legislators and constituents regarding application of election laws. G.A.B. staff drafted and presented testimony for numerous legislative hearings, and submitted two fiscal estimates at the request of the Legislative Fiscal Bureau. G.A.B. staff also participated in a full-day conference regarding elections technology sponsored by the National Conference of State Legislatures and held in Sun Prairie in June. The conference brought together legislators and staff involved in elections law with local election officials. G.A.B. staff prepared and presented a video summary of G.A.B. technology systems as well as remarks regarding significant aspects and challenges of election administration in Wisconsin.
7. Public Presentations: Elections Division staff assisted in preparing materials for the Director and General Counsel for numerous presentations including testimony before the Presidential Commission on Election Administration and other national conferences. Division staff also made regular presentations to state organizations interested in elections and voting laws, including voter organizations and law enforcement personnel.
8. Promulgation of Administrative Rules: G.A.B. staff devoted considerable time in attempting to finalize promulgation of administrative rules governing the conduct of election observers. Staff presented testimony at legislative hearings, worked with legislators and legislative staff to incorporate changes, and made multiple presentations to the Board regarding the proposed rules which had been developed and implemented in elections since 2008. The Board approved proposed rules incorporating almost all of the changes requested by Legislature, but the re-submission of the rules failed to obtain the support of the necessary legislative committees, resulting in the expiration of the rulemaking process. Staff will start over with the process of promulgating the proposed rules in 2015.
9. PCEA Review: The bipartisan Presidential Commission on Election Administration released its report and series of recommendations to improve the conduct of elections and the voting process in January 2014. G.A.B. staff conducted a thorough review of the report to determine which recommended practices were already in place in Wisconsin and which recommendations could be implemented administratively or with legislative action. The PCEA report specifically singled out the G.A.B.’s success in gathering and using elections data and recommended its accessibility audit program as a model for other states.
10. Voting Equipment Testing and Approval: G.A.B. staff worked closely with voting equipment manufacturers and local election officials from pilot municipalities to test

several new pieces of voting equipment to be considered for approval by the Board for use in Wisconsin:

- Clemson University – Prime III: The Prime III voting equipment system was first brought to the G.A.B. for approval in 2013. Relying on open-source software and commercial off-the-shelf hardware, the system sought to provide improved functionality and accessibility at substantially reduced cost. After preliminary testing in 2013 and Board approval on February 25, 2014, a pilot program was created for the April 1, 2014 election with the assistance of the Manitowoc County Clerk and the municipal clerks from the Town of Newton and the Town of Kossuth. An introductory user’s video was created for voters and was viewed during the election. Between the two municipalities, 737 voters cast ballots on the Prime III voting system in the April election. Exit polling determined that overall voters were satisfied with the process, citing high confidence in the system and ease of use. However, a number of system issues arose during the day and during staff testing that will require further research by the Clemson team. The Board accepted a report making recommendations to the Clemson team and the U.S. EAC to consider for future development of the Prime III software, but did not endorse or approve the system.
 - ES&S – Unity 3.4.0.1: In 2013 the Board granted conditional approval for the use of Election System and Software’s (ES&S) Unity 3.4.0.1, which was identical to the Unity 3.4.0.0 voting system already in use in Wisconsin except for the addition of a modem component used to transmit preliminary election results to the county. Preliminary research completed by the G.A.B. staff, as well as field testing conducted by staff in cooperation with representatives from ES&S and municipal clerks, had shown that the successful operation of the equipment depended heavily on the fidelity of the telephone networks between the polling place and the county seat. The conditional approval, therefore, required that those systems purchased be tested in place, along with the telephone networks intended to support them, prior to the election in which they were to be used. At the May 21, 2014 meeting of the Board, staff presented reports collected from county clerks who had used the system subsequent to its conditional approval. Those reports demonstrated that the system worked satisfactorily in a live election. The Board granted final approval to the Unity 3.4.0.1 system, with the condition that municipalities are recommended to test the telephone networks intended to support the Unity 3.4.0.1 system in advance of any election in which it is to be used.
 - ES&S – EVS 5.2.0.0 & EVS 5.3.0.0: The G.A.B. Voting Equipment Team conducted a test campaign for ES&S’s EVS 5.2.0.0 and EVS 5.3.0.0 voting systems from July 7-16, 2014. A public demonstration was held July 8. A demonstration was held before the Wisconsin Election Administration Council on July 9. The Board accepted the staff’s recommendation to approve the two systems for sale and use in Wisconsin, under the condition that the equipment be programmed to automatically reject over-voted ballots and return them to the voter so errors can be corrected.
11. Voting Equipment Audit: After each General Election, the G.A.B. is statutorily required to audit the performance of each type of electronic voting equipment used in Wisconsin

and determine the equipment's error rate in counting valid ballots. In a public meeting on November 7, 2014, Board staff randomly selected one hundred reporting units as a base sample and augmented that sample with additional reporting units until each currently certified voting system used in the State of Wisconsin was represented by at least five reporting units (except the Populex system which is only used in two reporting units in the state). The final sample set contained 106 reporting units in 78 municipalities. At that same meeting, staff also selected the contests to be audited in addition to the Governor's contest. As a result of random selection, the contests for Attorney General, State Treasurer and Sheriff were included in the audit.

As of December 23, 2014, all 78 municipalities have published their audit notices and held their audit. Of those, 74 have submitted their audit results to the G.A.B. Staff has reviewed 65 of the audits and found 43 of them to be acceptable. Twenty-two are awaiting additional information to clarify or verify audit results.

12. Accessible Voting Equipment Reimbursement Program: G.A.B. staff concluded the reimbursement grant process for accessible voting purchases in 2014. As required by the Help America Vote Act of 2002 (HAVA), all municipalities were required to provide accessible voting equipment for individuals to vote privately and independently. Staff began the reimbursement process in 2005 and continued the reimbursement process until August 31, 2014. Staff continued the grant process for an extended time as many municipalities had remaining funds available that were set aside for the purchase of a voting equipment tabulation device that ultimately never received federal certification. Most municipalities that had funds set aside were able to claim reimbursement for other related accessible voting equipment costs, such as maintenance and programming costs. Each municipality was eligible to receive up to \$6,000 for each polling place within the municipality established by 2005. Since the inception of the program, G.A.B. staff has processed requests for and distributed a total of \$15,355,000 in federal funds to municipalities throughout Wisconsin.
13. E-Poll Book Research: Staff concluded research on electronic poll books and presented a report to the Board at its March meeting outlining findings and recommendations for administering statutes authorizing the use of the technology in Wisconsin. Based upon the experiences and best practices of other states, the report recommended development of a testing and approval process for electronic poll books, should a manufacturer seek approval of a system by the Board. Staff recommended further study and analysis of the costs and benefits of developing an electronic poll book solution. The Board directed staff to discontinue further research and development of electronic poll book standards for the present time.
14. National Election and Voting System Standards: G.A.B. staff has actively participated in national efforts to define standards for future voting systems and IT systems used to administer elections in the United States.
 - IEEE Voting System Standards Committee: The Institute of Electrical and Electronics Engineers (IEEE) formed the Voting Systems Standards Committee (VSSC) at the request of the U.S. Election Assistance Commission to develop consensus-based standards for voting system and election administration IT system interoperability

using common data formats. G.A.B. staff member Sarah Whitt is chair of the Election Results Reporting working group which finalized work on a standard for election results reporting. The standard is nearing the end of the balloting process within IEEE at which point it will become an official standard. The standard was developed in coordination with diverse stakeholders including State and county election officials, voting system vendors, the Associated Press, The National Institute of Standards and Technology, and other interested groups. Wisconsin is also participating in other VSSC standards activities including the Election Modeling working group which is developing a comprehensive data model for all of the systems involved in administering elections.

- NASED Voting System Committee: G.A.B. Elections Supervisor Ross Hein serves on the National Association of State Election Directors (NASED) Voting System Certification Sub-Committee, as facilitated by the Bipartisan Policy Center. The Sub-Committee has made several recommendations to the U.S. EAC regarding approval and development of voting equipment standards and certification. Additionally, the Sub-Committee focuses on contingency planning should the certification process at the federal level currently performed by the U.S. EAC be reformed, and what role the federal government should provide in voting equipment standard setting and certification.
15. Ballot Redesign: Staff redesigned ballot formats with an eye toward clarity and usability. Staff consulted with nationally recognized Usability Specialist Dana Chisnel and reached out to county and municipal clerks for their comments and suggestions throughout the process. With this assistance, a ballot was developed that incorporated simple and concise instructions, navigational cues, shading to define office types and titles and readable text. The ballot format recommended by G.A.B. staff for the General Election was not universally accepted by county clerks, resulting in the use of a variety of ballots throughout the state. The Board subsequently approved ballot formats for use at the 2015 Spring Primary and Spring Election, and committed to revisiting ballot format before the 2016 Partisan Primary and General Election.
16. Polling Place Accessibility Compliance:
- Polling Place Audits: Over the course of four statewide elections in 2014, G.A.B. accessibility auditors completed audits of 571 polling places in 420 municipalities in 33 counties. G.A.B. staff hired and trained fifty temporary workers to conduct onsite accessibility compliance audits, a program that is unique in the nation.
 - Voting Equipment Security Checks: The Polling Place Accessibility Auditors also complete brief inspections of voting equipment security. Auditors are trained on the specific pieces of voting equipment they will encounter and the procedures by which the equipment is secured. In the field, auditors verify that all voting equipment seals are in place and unbroken, that they match what is recorded in the Chief Election Inspector's Incident Log, and that the Chief Inspector has initialed for the pre-election security check, and not pre-initialed the post-election security check. This check was done at each of the 571 polling places audited.

- Public Education and Outreach Materials: G.A.B. staff created informational material to better serve voters with disabilities and for use by clerks and poll workers. A new section has been added to the agency website with information for clerks including guidance on polling place setup, a list of the most common issues found in onsite audits and easy ways to fix them for Election Day. Staff created two video tutorials demonstrating the AutoMARK ballot-marking device and the AccuVote TSX tabulator. Both are available on the agency's website to view online by the public or to download for use by local election officials.

The G.A.B. worked closely in partnership with the Wisconsin Disability Vote Coalition to produce public education materials for voters with disabilities in advance of the November General Election. These materials included an update and redistribution of the *Voting in Wisconsin: A Guide for Citizens with Disabilities* pamphlet. Paper copies of this document have been distributed to over 3,100 community-based residential care facilities across the state and in outreach efforts conducted by the Disability Vote Coalition. A digital version is made available to the public on the G.A.B. website.

Also distributed to residential care facilities along with the *Voting in Wisconsin* guide were informational packets containing voting-related videos, voter registration, and absentee ballot request forms and information sheets on the appropriate manner in which facility staff should talk to residents about voting issues. Facilities that are eligible to be served by Special Voting Deputies also received a copy of the updated *Absentee Voting in Residential Care Facilities and Retirement Homes* manual. Additionally, a training video for local election officials, *This Is Where We Vote*, was created to teach poll workers and municipal clerks about the issues important to the disability community and the unique challenges they may face in voting. It is available for public viewing on the agency website.

- Analysis of Accessibility Audit Results: An enhanced effort was made in 2014 to improve data quality and engage clerks and municipal officials in the improvement of polling place accessibility. In 2014, G.A.B. staff has received and processed 252 plans of action for polling places visited by the onsite audit program. Staff continues to work with municipal clerks to ensure accessibility issues are adequately addressed. Staff has worked with agency IT contractors to begin the process of automating the report generation and notification system, which will ultimately reduce costs in staff time as well as paper and postage.
- Accessibility Supplies: In support of clerks' efforts to make polling places more accessible to voters with disabilities, G.A.B. staff has distributed 893 signs and other supplies to 218 municipalities. Additional supplies have been procured in order to continue to address the most common accessibility audit findings.
- Improvement of Accessibility Survey: The onsite compliance audits are conducted using an electronic survey instrument loaded onto a tablet computer. In 2014 the electronic survey received many much-needed upgrades to improve clarity and ease of

use. These changes have already proven invaluable in smoother training processes and in reducing confusion in the field.

- Accessibility Advisory Committee: The Accessibility Advisory Committee, consisting of representation from ten different disability and elderly advocacy groups, convened twice in 2014. In addition to providing ideas for compliance efforts and maintaining communication with the community, the committee also approved changes to the electronic version of the accessibility survey.
17. SVRS Modernization: Significant work has been completed on staff's efforts to redesign the Statewide Voter Registration System (SVRS) to take advantage of modern design philosophies and provide greater ease of use and improved data quality. IT staff has created a development server environment with Microsoft Dynamics CRM (2013), which will be the underlying framework for the new system. Staff is using this development server to work on the layout of the new system. Primary navigation systems have been developed, as well as the screen template, which will be used throughout the system. Security roles have been developed to cover a variety of use-case scenarios, and fundamental jurisdictions and districts have been built into the system. The remainder of the system has been divided into four sections, each being analyzed and developed by its own staff team: Voter, Elections, Absentee and Districts. Voter and Absentee functions are nearing completion, allowing staff to focus more resources on the Elections node, which will be the largest section of the new system. Staff met on September 18, 2014 with representatives from Microsoft who reviewed the developments as of that date. The representatives were impressed with what had been developed so far and offered tips and recommendations for staff to consider during the remainder of development.
 18. BADGER Voters: On April 25, 2014, the G.A.B. launched a new web portal making it easier to request publicly available voter data, and to significantly reduce staff time required to process these requests. This new website was developed entirely by agency program staff and IT developers, and allows candidates, political parties, and the public to request SVRS voter data online, including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voter information. Data request customers can submit their requests, make payments online through US Bank, and download the completed file from this new website. This process was previously done manually, requiring significant staff time for each request.

Since its inception, BADGER Voters has received approximately 430 requests and processed 275 purchased data files. The system has generated \$147,656.25 over eight months and reduced agency costs by approximately \$72,000 in that same time frame. Total website development counts were less than \$50,000.
 19. Voting Information Project: Due to the efforts of G.A.B. staff, Wisconsin participated in the the national Voting Information Project (VIP), sponsored by the Pew Charitable Trusts, for the November 2014 election. G.A.B. staff provided election information such as polling places and sample ballot data in a standard format that search engines such as Bing and Google used to educate voters on where to vote and what offices and candidates were on their ballots. As a result of the

sustained behind-the-scenes work of G.A.B. staff, Wisconsin voters and media outlets were able to access election information more easily and through the portals that they are accustomed to using.

VIP partnered with the Internet Association in 2014 to offer the new GetToThePolls.com website, which attracted almost 8 million visits as of November 11, 2014, with 104,000 of those visits in Wisconsin. Facebook continued to offer its "I Voted" badge which linked to VIP polling place and sample ballot information, with nearly 7 million Facebook users sharing the link. VIP also provided a free Voting Information Tool that could be embedded on any website to allow people to look up polling place and sample ballot information. The tool was used by 12 media and campaign websites in Wisconsin including WXOW-TV, WQOW-18, WAOW, WBAY-FM and the Scott Walker for Governor campaign. Google used its Google Now mobile application to push voting information to voters on their Android phones or tablets as well.

20. Data Collection and Reconciliation: In 2014, municipal clerks completed GAB-190 statistics reports for the Spring Primary (select jurisdictions), Spring Election, Partisan Primary, and General Election. Municipal and county clerks complete the GAB-191 election-specific cost report for the Spring Election and the General Election. By January 31, 2015, they will also complete the GAB-192 Annual Election Costs Report. All of the data reports are conveyed electronically through the G.A.B.'s Wisconsin Elections Data Collection System (WEDCS). G.A.B. staff invests considerable time and effort in educating local election officials regarding the reporting requirements, obtaining and monitoring compliance with the reporting requirements, and reconciling discrepancies in the data. WEDCS is also being utilized to comply with 2013 Wisconsin Act 148 which requires clerks to report certain statistics related to Election Day Registration address verification postcards. Staff is currently engaged in reconciling WEDCS data internally, as well as with data from SVRS and the Canvass Reporting System, in order to complete multiple federal reporting requirements, including the Election Administration and Voting Statistics report required by the U.S. Election Assistance Commission following each General Election.
21. Systems Maintenance: G.A.B. program staff worked with agency IT contractors to update and maintain multiple existing Elections IT systems, including the following:
 - SVRS: While developing the new SVRS database, staff continued to provide updates to the existing system. In addition to several minor bug fixes, SVRS version 8.6 was rolled out on June 20, 2014 which included features mandated by new legislation enacted in 2014. Most of these changes involved how Proof of Residence information is tracked in SVRS. The update also resulted in noticeably improved performance by SVRS, which was received very positively by clerks. Additional changes were made after the court injunction barring implementation of the Voter Photo ID Law was lifted, allowing clerks to track voters who provided a photo ID for mail-in absentee ballots and voters who are exempt from the photo ID requirement. Although the law has since been enjoined again, this tracking feature has been left active so that the process may continue smoothly should the new injunction be lifted.

- Canvass Reporting System: G.A.B. staff developed updates to the Canvass Reporting System (CRS) to fix minor issues, and to upgrade the aging software CRS uses to generate reports, allowing for easier export of large files.

The Canvass Reporting System was used by municipalities in four counties to report their Election Night results in 2014. In Barron, Milwaukee, Sheboygan and Waukesha Counties, municipal clerks and county staff entered election results directly into CRS on election night and ran reports from CRS to post results on their county websites. G.A.B. staff provided additional training and support to these counties to facilitate successful Election Night Reporting using the system. Several smaller counties also generated reports from CRS to facilitate the posting of unofficial Election Night results in 2014. Election Night Reporting is a new and exciting addition to the CRS that could be used by additional municipalities and counties in the future.

- MyVote Wisconsin: The MyVote Wisconsin website underwent several changes in 2014. MyVote version 1.8 was introduced in June to incorporate mandatory changes to accommodate new legislation enacted in 2014. Another update was made in September to improve the on-line ballot for the Partisan Primary. MyVote version 1.9 was introduced in October to update information regarding the Voter Photo ID law that had recently been put back into effect. Shortly thereafter, the Voter ID law was enjoined by the U.S. Supreme Court and MyVote Wisconsin was rolled back to version 1.8.1, which included other improvements from 1.9 but removed the Voter Photo ID changes.

Staff contracted with nationally recognized elections usability specialist Dana Chisnell to review the MyVote Wisconsin website and determine ways to make it easier for the public to navigate. Ms. Chisnell instructed staff in conducting usability interviews, and then assisted staff in conducting interviews with several members of the public including voters from various areas in Wisconsin and one overseas voter. Staff later conducted more interviews with new staff, using the techniques provided by Ms. Chisnell. The interviews identified areas on the website where voters become confused or are unable to find the information they are looking for. G.A.B. staff is working on ways of addressing these issues and creating a more streamlined, user-friendly interface for the MyVote Wisconsin 2.0 release.

Each of these technology upgrades required significant problem-solving, innovation, and coordination of efforts involving G.A.B. program staff and IT developers, as well as communication with and training of local election officials to implement the new functions and incorporate them into regular election procedures.

22. Voter Felon Audit: Wis. Stat. §6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. Due to inherent problems in the procedures previously used, G.A.B. staff developed and implemented a new automated process in 2014 to review the matching of records. Through the G.A.B. Microsoft Dynamics website, clerks identify whether they believe that records of a the voter and a felony offender relate to the same person and

whether a vote was correctly recorded for the voter. Clerks are asked to locate and provide an electronic copy of the poll list page for the voter and the Voter Registration GAB-131 Form. Through the automated process, clerks then assign the record back to G.A.B. staff, which forwards the case to the appropriate District Attorney.

G.A.B. staff, in conjunction with clerks and DOC staff, have completed the felon audit for the past 17 statewide elections since February 2012 and found 283 matches. One hundred and eleven of these have been referred on to District Attorneys. The G.A.B. has received notice that district attorneys have closed nine of these cases. There are several reasons why a match found by the system might not result in action by a District Attorney: two records may have the same name and birthdate, but be found by other means to not be the same individual; a data entry error may result in a vote being recorded for an elector when they did not cast a ballot; or the individual may be found not to have been serving a felony sentence at the time of the election.

23. Voter Registrations and Cancellations: Staff received a large quantity of voter registrations this year. The GAB-131 Voter Registration form is processed at the local level by municipal clerks. However, some sources, including some national voter registration drives, list the G.A.B. as the recipient. Individuals also find the G.A.B. office address online and send their registration applications into the agency. Processing these forms involves determining what municipality the voter resides in and forwarding the form to that clerk for processing. The G.A.B. received and processed 4,029 of these forms in 2014, requiring a significant investment of staff time. This is significantly more than are received in an odd numbered year. In 2013, for example, only 79 forms were received. Staff created a video tutorial related to the GAB-131 Form and made it available to local election officials on the agency's website highlighting the requirements and the process. This video was then updated when new 2014 legislative changes affected the GAB-131 Form.

G.A.B. staff also receives notices from election officials in other states of voters who have moved from Wisconsin into their state and who have registered to vote there. These voters are then cancelled in SVRS. In 2014, staff received over 5,100 cancellation notices. The processing of these cancellations is ongoing.

24. Customer Service: G.A.B. staff answers phone calls and in-person questions from clerks, candidates, incumbents, media and members of the general public on a variety of subjects. In 2014, the front desk had answered 9,128 phone calls and the SVRS Help Desk had answered 15,473 and processed over 16,140 email inquiries and requests for technical assistants. Help Desk staff supports over 2,000 municipal SVRS users statewide. Additionally, staff provides voter information through the G.A.B. website, the MyVote Wisconsin website, Facebook and Twitter. The agency Facebook and Twitter accounts each reach over a thousand users, while the MyVote Wisconsin website peaked on November 6, the day of the General Election, with 132,233 unique users in a single day and totaled 466,235 unique users in 2014.
25. Legislative Audit Bureau Program Audit: On September 10, 2013, the Joint Legislative Audit Committee directed the Legislative Audit Bureau (LAB) to conduct a programmatic

audit of the G.A.B. Substantial staff time was spent meeting with LAB auditors and providing required documents and data files. The audit report was released on December 12, 2014 and included a series of suggestions for improvement of agency functions and performance, as well as some policy considerations for the Board and Legislature. G.A.B. staff provided the LAB with a comprehensive response to the audit, which describes the ways in which the G.A.B. will comply or has already complied with each of the findings.

26. Annexation Notification: The G.A.B. has been working to facilitate and improve the process for municipalities to contact the agency upon the completion of annexations. This information is an important part of keeping SVRS accurate and up to date and ensuring electors receive the correct ballot. In the past, there have been complications with receiving this information in a timely manner, but staff has initiated recent improvements.

G.A.B. staff has coordinated with the Department of Administration (DOA) to receive copies of annexation reports provided to it statutorily by the Secretary of State. DOA has offered (but is not required) to send a quarterly list of all the annexations it has received.

Staff has also updated the GAB-100 Annexation Notification Form, improved communication with clerks, and increased interaction with the Wisconsin Land Information Community. The G.A.B. has also worked to facilitate improved communication between annexing municipalities, their County Land Information Departments and County Clerks, and other state agencies concerned with maintaining updated ward and municipal boundary data. Partnerships between G.A.B. and the Wisconsin GIS community are critical to the ongoing support of SVRS and MyVote Wisconsin, and will continue to result in more accurate data for clerks to use to better administer elections for voters.

27. Section 203 Assistance to the Milwaukee Election Commission: Board staff provides support to the Milwaukee Election Commission (MEC) regarding its minority language program implementation. The City of Milwaukee is a covered jurisdiction under §203 of the Voting Rights Act and must provide language assistance and election materials in Spanish. For each election, the G.A.B. provides the MEC with a surname analysis report that allows it to determine bilingual poll worker coverage for each election. Board staff also participated in conference calls with U.S. Department of Justice representatives and MEC staff concerning the development of the minority language program in the City of Milwaukee.

State of Wisconsin\Government Accountability Board

Post Office Box 7984
212 East Washington Avenue, Third Floor
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wi.gov
<http://gab.wi.gov>



KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Status Report on Compliance with LAB Audit Recommendations

Board Members directed staff to prepare a report providing information on the status of agency compliance with recommendations set out in the recently released LAB Audit Report. The initial status report listing each recommendation, the page number where the recommendation can be found in the LAB Report and a succinct description of the current status of agency action on the recommendation accompanies this memorandum.

Several items reflect a status of "Preparing report for March Board Meeting." This is because Board Members expressed an interest in additional discussion of recommendations at the March meeting and set aside an additional day to ensure there was enough time to fully discuss alternatives. Compliance with some recommendations requires staff analysis of options and further direction from the Board. In some cases the Board may want to seek legislative change before proceeding with implementation.

Board Members can make suggestions about the format for any additional information they would like concerning agency action on the LAB recommendations.

The Joint Legislative Audit Committee (JLAC) has scheduled a public hearing on the recently released LAB audit report. The hearing will be next Wednesday, the day following our teleconference meeting, beginning at 10:00 a.m. The Committee has requested Judge Barland, the current Board Chair, participate in the hearing. Judge Barland is unavailable that day.

Judge Barland suggested Board Members discuss attendance at the hearing by other Members. Both Judge Vocke and Judge Froehlich have informed me that they plan to be present for the hearing. Judge Froehlich is the current Vice-Chair of the Board. Judge Vocke served on the Board's Audit Committee with Judge Barland.

LAB Audit Recommendations and Status Overview

Page #	Section	LAB Recommendation	Status
22	Training Local Election Officials	Promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies.	Need approved scope statement
22	Training Local Election Officials	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Will submit report
26	Maintenance of Voter Registration Records	Regularly monitor Statewide Voter Registration System records to identify and then contact clerks who have not mailed letters to registrants whose personally identifiable information did not match information held by other agencies.	Preparing report for the March Board Meeting
26	Maintenance of Voter Registration Records	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report
29	Maintenance of Voter Registration Records	Review the records of the deceased individuals LAB identified and determine whether any of these individuals' votes were inappropriately cast in FY 2012-13 elections.	In progress
29	Maintenance of Voter Registration Records	Review Statewide Voter Registration System records after each election in order to identify and investigate instances in which votes were cast in the names of individuals who died before Election Day.	Preparing report for the March Board Meeting
29	Maintenance of Voter Registration Records	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report
32	Maintenance of Voter Registration Records	Regularly monitor Statewide Voter Registration System records to contact clerks who have not mailed letters to individuals whose voter registration records have been inactivated because of ongoing felony sentences.	Preparing report for the March Board Meeting
32	Maintenance of Voter Registration Records	Review information for the individuals LAB identified whose voter registration records may have been erroneously inactivated and ensure that the relevant clerks have notified the individuals.	In progress
32	Maintenance of Voter Registration Records	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations	Will submit report
33	Maintenance of Voter Registration Records	Complete in a timely manner the statutorily required reviews to identify individuals with ongoing felony sentences who may have voted.	Completed August 2014
33	Maintenance of Voter Registration Records	Report to the Government Accountability Board on any actions taken by district attorneys against the 33 individuals who may have voted while serving felony sentences.	Preparing report for the March Board Meeting
33	Maintenance of Voter Registration Records	Work with the Department of Corrections to improve the accuracy of information regarding individuals serving felony sentences, including by ensuring that individuals convicted of misdemeanors are not erroneously included in the information that is electronically provided to the Statewide Voter Registration System.	Completed
33	Maintenance of Voter Registration Records	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report

LAB Audit Recommendations and Status Overview

Section		LAB Recommendation		Status
Page #	Section	LAB Recommendation	Status	
34	Maintenance of Voter Registration Records	Promulgate administrative rules that specify the responsibilities of clerks for maintaining voter registration records in the Statewide Voter Registration System.	Need approved scope statement	
34	Maintenance of Voter Registration Records	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Will submit report	
49	Oversight of Campaign Finance Laws	Present to the Government Accountability Board for its approval written procedures specifying penalty amounts to assess on campaign finance entities that do not pay their annual filing fees by January 31.	Preparing report for the March Board Meeting	
49	Oversight of Campaign Finance Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report	
52	Oversight of Campaign Finance Laws	Adhere to the Government Accountability Board's February 2008 penalty schedule for assessing penalties on campaign finance entities that do not file statutorily required campaign finance reports on time.	Now current practice	
52	Oversight of Campaign Finance Laws	Report to the Government Accountability Board at least quarterly on all campaign finance reports that were not submitted on time, whether a penalty was assessed for each late report, the amount of each assessed penalty, and the amount of each penalty that was paid and unpaid.	Preparing report for the March Board Meeting	
52	Oversight of Campaign Finance Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report	
54	Oversight of Campaign Finance Laws	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties for campaign contributions in violation of statutory limits.	Now current practice	
54	Oversight of Campaign Finance Laws	Track centrally all penalties assessed for violations of campaign finance contribution limits and use the information to report to the Government Accountability Board at least quarterly on all violations of campaign finance contribution limits, whether a penalty was assessed for each violation or a written warning was provided in lieu of a penalty, the amount of each assessed penalty, and the amount of each penalty that was paid and unpaid.	Under development	
55	Oversight of Campaign Finance Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report	
56	Oversight of Campaign Finance Laws	Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with campaign finance laws.	Completed	

LAB Recommendation		Status
Page #	Section	Status
56	Oversight of Campaign Finance Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation. Will submit report
59	Oversight of Lobbying Laws	Determine whether to revoke the existing licenses of lobbyists who are delinquent in paying state taxes or court-ordered child or family support payments. Preparing report for the March Board Meeting
59	Oversight of Lobbying Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation. Will submit report
64	Oversight of Lobbying Laws	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties. Now current practice
64	Oversight of Lobbying Laws	Track centrally all penalties assessed for violations of lobbying laws, all penalties waived and the reasons for waiving them, and all written warnings provided in lieu of assessing penalties and the reason for each written warning and use the information to report to the Government Accountability Board at least quarterly on the number of violations of each lobbying law, whether a penalty was assessed for each violation, the amount of each assessed and waived penalty, and the amount of each penalty that was paid and unpaid. Under development
64	Oversight of Lobbying Laws	Prohibit principals that have not filed timely semiannual expense statements from allowing lobbyists to lobby on their behalf or request that the Legislature modify this provision. Preparing report for the March Board Meeting
64	Oversight of Lobbying Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations. Will submit report
65	Oversight of Lobbying Laws	Include in the weekly reports to the Legislature while the Legislature is in session all statutorily required information about lobbying activities or request that the Legislature modify statutes to allow these reports to exclude information that is publicly available on the Eye on Lobbying website. Information provided electronically pursuant to agreement with Legislative Clerks
65	Oversight of Lobbying Laws	Include in the biennial reports to the Legislature all statutorily required information. Will complete
65	Oversight of Lobbying Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations. Will submit report
67	Oversight of Lobbying Laws	Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with lobbying laws. Completed
67	Oversight of Lobbying Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation. Will submit report

Section		LAB Recommendation		Status
73	Oversight of Code of Ethics Laws	Develop written policies for granting individuals extensions to the deadline for filing statements of economic interests and comply with statutes by setting forth in writing the reasons for granting each extension.	Develop written policies for granting individuals extensions to the deadline for filing statements of economic interests and comply with statutes by setting forth in writing the reasons for granting each extension.	Preparing report for the March Board Meeting
73	Oversight of Code of Ethics Laws	Promptly notify the Department of Administration and the employing agency when an individual does not file a statement of economic interests on time.	Promptly notify the Department of Administration and the employing agency when an individual does not file a statement of economic interests on time.	Preparing report for the March Board Meeting
73	Oversight of Code of Ethics Laws	Track centrally how often they assess penalties on individuals who have not filed statements of economic interests on time and the amounts of the assessed penalties and use this information to report to the Government Accountability Board at least quarterly on the extent to which statements were not filed on time, whether a penalty was assessed for each violation, the amount of each penalty assessed, and the amount of each penalty that was paid and unpaid.	Track centrally how often they assess penalties on individuals who have not filed statements of economic interests on time and the amounts of the assessed penalties and use this information to report to the Government Accountability Board at least quarterly on the extent to which statements were not filed on time, whether a penalty was assessed for each violation, the amount of each penalty assessed, and the amount of each penalty that was paid and unpaid.	Under development
73	Oversight of Code of Ethics Laws	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties on individuals who do not file statements of economic interests on time.	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties on individuals who do not file statements of economic interests on time.	Now current practice
73	Oversight of Code of Ethics Laws	Present to the Government Accountability Board for its approval policies indicating when staff should not attempt to collect penalties that have been assessed on individuals who do not file statements of economic interests on time.	Present to the Government Accountability Board for its approval policies indicating when staff should not attempt to collect penalties that have been assessed on individuals who do not file statements of economic interests on time.	Preparing report for the March Board Meeting
74	Oversight of Code of Ethics Laws	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report
87	Complaints	Present to the Government Accountability Board for its approval written policies for considering complaints filed with the Ethics and Accountability Division and the Elections Division.	Present to the Government Accountability Board for its approval written policies for considering complaints filed with the Ethics and Accountability Division and the Elections Division.	Preparing report for the March Board Meeting
87	Complaints	Maintain complete, centralized information about all complaints received and inquiries undertaken, including the resolution of these issues.	Maintain complete, centralized information about all complaints received and inquiries undertaken, including the resolution of these issues.	Under development
87	Complaints	Report regularly to the Government Accountability Board on the status and resolution of all inquiries.	Report regularly to the Government Accountability Board on the status and resolution of all inquiries.	Preparing report for the March Board Meeting
87	Complaints	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Will submit report
92	Administrative Rules	Promulgate all required administrative rules.	Promulgate all required administrative rules.	In progress
92	Administrative Rules	Remove from the Administrative Code the eight rules that are not in effect because it did not vote to adopt them.	Remove from the Administrative Code the eight rules that are not in effect because it did not vote to adopt them.	In progress
92	Administrative Rules	Require its staff to report to it regularly on the status of efforts to promulgate administrative rules and remove from the Administrative Code rules that are not in effect.	Require its staff to report to it regularly on the status of efforts to promulgate administrative rules and remove from the Administrative Code rules that are not in effect.	Preparing report for the March Board Meeting

Page #	Section	LAB Recommendation	Status
92	Administrative Rules	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement these recommendations, including a schedule for promulgating each statutorily required administrative rule.	Will submit report

State of Wisconsin\Government Accountability Board

Post Office Box 7984
212 East Washington Avenue, Third Floor
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wi.gov
http://gab.wi.gov



KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Administrative Rulemaking Update – Statements of Scope

A top priority for the Board staff in 2015 is to begin the promulgation process for administrative rules in several topic areas the Board oversees, including election administration and campaign finance. Pursuant to Wis. Stat. § 227.135(2), no employee of the Board may begin work on a proposed rule until a statement of scope has been approved by the Governor, published in the Administrative Register, and approved by the agency head or body with policy making powers for the agency. Wis. Stats. §§ 227.135(2) and 227.24(1)(e)1d. requires the Governor to approve a statement of scope before an agency may proceed with rulemaking. As you are aware, there currently are administrative rules in various stages of the process – some will be starting from scratch, others have scope statements that have been previously approved by the Governor and await further action and others have expired and will essentially need to start from the beginning as well, even though significant research and drafting work has already been completed.

A. Statement of Scope Submissions

The Board staff seeks approval from the Board to draft and submit statements of scope to the Governor's Office for approval in the following areas:

- 1) Training of Election Officials: Promulgate rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies. (LAB Audit Report recommendation, pgs. 22 and 90, Table 27). The GAB previously approved a draft rule in August 2009 (Chapter 13), but the time for full promulgation has expired, therefore staff will resubmit a statement of scope to begin the process again. The notice of rule which includes the text of the rule as approved in August 2009 has been attached (**Attachment A**) as an example of how this rule could look once a statement of scope has been approved and staff begins the drafting process.
- 2) Maintenance of Voter Registration Records: Promulgate rules that specify the responsibilities of clerks for maintaining voter registration records in the Statewide Voter Registration System. (LAB Audit Report recommendation, pg. 34).
- 3) Votes Cast With Electronic Voting Equipment: Promulgate rules that provide standards for determining the validity of votes cast with electronic voting equipment. (LAB Audit Report, pg. 90, Table 27).

- 4) Poll List: Promulgate rules that provide a space and location for a voter’s signature on the poll list. (LAB Audit Report, pg. 90, Table 27).
- 5) Election Notices: Promulgate rules outlining the election notices that clerks must use to inform the public about elections. (LAB Audit Report, pg. 90, Table 27).
- 6) Election Observers: Promulgate rules related to the conduct and regulation of election observers to monitor compliance with election laws by local election officials.
 - a. Significant revisions to Chapter 4 expired waiting for final legislative approval, therefore the GAB staff must start the process again by submitting a statement of scope to the Governor’s Office.
 - b. The statement of scope previously submitted to the Governor’s Office on this topic is attached as an example of the submissions that will be prepared and transmitted for approval (**Attachment B**).
- 7) Settlement Offer Schedule: Under Wis. Stat. § 5.05(2m)(c)12., the Board ‘may’ by rule, prescribe categories of civil offenses which the board will agree to compromise and settle without a formal investigation. The Board previously approved Chapter 22 in 2009, but the time for full promulgation has expired, and therefore the process must start from the beginning again. The Notice of Proposed Order Adopting the Rule from the work done in 2009 is attached, which includes the statement of scope and rule text for your information (**Attachment C**).

Once the Scope Statements are approved by the Governor and published in the Administrative Register, the Board will be asked to approve the Scope Statements so work can commence on promulgation of the rules.

B. Statements of Scope Already Submitted to Governor’s Office

In July 2013, the Board approved the submission of statements of scope to the Governor’s Office related to the following areas:

- 1) Electronic Voting Equipment Security: Promulgate rules that describe the security, review, and verification of software used with electronic voting equipment. (LAB Audit Report, pg. 90, Table 27). The statement of scope submitted in 2013 is attached for your information (**Attachment D**).
- 2) Statutory Requirements for Electronic Voting Systems: Promulgate rules that administer statutory requirements for electronic voting systems. (LAB Audit Report, pg. 90, Table 27). The statement of scope submitted and approved by the Governor in May 2013 is attached for your information (**Attachment E**).

C. Additional Administrative Rule Information

The LAB identified administrative rules that remain in the Administrative Code but determined the GAB did not adopt during its initial review of all rules of the former State Elections Board in 2008.

The GAB staff intends to work through the table of these rules included in the LAB Audit Report, pg. 91, Table 28 and begin the process of repeal.

Recommendations:

- 1) The Board directs staff to draft and submit statements of scope to the Governor’s Office for approval on the subject areas contained in Section A., paragraphs 1-6 of this memorandum.
- 2) The Board directs staff to draft and submit a statement of scope to the Governor’s Office for approval on the subject area contained in Section A., paragraph 7 of this memorandum.
- 3) The Board directs staff to continue the promulgation of rules contained in Section B, paragraphs 1-2 of this memorandum.
- 4) The Board directs staff to promulgate rules to repeal Administrative Rules identified by the LAB through its audit that were not adopted by the GAB in its initial review of rules in 2008.

Attachment A

NOTICE OF PROPOSED RULE: CH. GAB13

GOVERNMENT ACCOUNTABILITY BOARD

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05(1)(f) and 227.11(2)(a), Stats., and interpreting s. 7.315, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the State of Wisconsin Government Accountability Board will adopt the following rule as proposed in this notice without public hearing unless, within 30 days after publication of this notice, the Board is petitioned for a public hearing by 25 persons who will be affected by the rule; by a municipality which will be affected by the rule; or by an association which is representative of a farm, labor, business, or professional group which will be affected by the rule.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutory authority: ss. 5.05(1)(f) and 227.11(2)(a), Stats.
2. Statutes interpreted: ss. 7.15, 7.31, and 7.315, Stats.
3. Explanation of agency authority: Under s. 7.315, Stats., “The board shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, to special voting deputies appointed under s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).” And “Each inspector other than a chief inspector and each special voting deputy appointed under s. 6.875 and special registration deputy appointed under s. 6.26 or 6.55 (6) shall view or attend at least one training program every 2 years. Except as provided in subd. 2., no individual may serve as an inspector, other than a chief inspector, as a special voting deputy under s. 6.875, or as a special registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has completed training for that election provided by the municipal clerk pursuant to rules promulgated under par. (a) within 2 years of the date of the election.” This rule implements that statute.
4. Related statutes and rules: ss. 7.15, 7.31, and 7.315, Stats., and chapters GAB 11 and 12, and s. GAB 3.12.
5. Plain language analysis: The proposed rule provides for the elections training and certification of local election officials, including election inspectors and special voting deputies.
6. Summary of, and comparison with, existing or proposed federal regulations: The federal government does not regulate local election officials and does not have federal regulations that apply to the election training of local election officials. Although federal law does not have a comparable provision for the training of local election officials, under the Help America Vote Act of

2002 or "HAVA," 42 USC § 15301 et seq., each state receiving federal funds to improve the administration of elections in the state has to develop a plan that includes "programs for election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III [of HAVA]." 42 USC § 15404(a)(3) The State of Wisconsin has developed and is implementing such a plan for chief election inspectors, municipal clerks, and special registration deputies. This rule provides training requirements for election inspectors and special voting deputies.

7. Comparison with rules in adjacent states: Illinois, Iowa, Michigan and Minnesota all statutorily require that persons who conduct elections shall receive election training.

Minnesota requires that all election judges who register voters on election day receive training on same day registration procedures. Part 8200.5600, Minn. Admin. Code. Other election officials including election judges, municipal clerks, school district clerks, and county auditors are required to complete training meeting the requirements for that position specified in ch. 8240, Minn. Admin. Code. Officials must also demonstrate their proficiency in the course material through either worksheets or hands-on demonstrations. Part 8240.0300, Minn. Admin. Code. The training requirements are specified for each position in parts 8240.1600-2800, Minn. Admin. Code. The length of the training for election judges and health care facility absentee voting officials, the equivalent of Wisconsin's election inspectors and special voting deputies respectively, is one hour. The training topics include election day registration, the process for challenging electors, and who is allowed in the polling place.

Illinois statutes require election judges to undergo training, but the training is written and administered by the county clerk. 10 ILCS 5/13-2.1. The training "shall consist of at least 4 hours of instruction and an examination which tests reading skills, ability to work with poll lists, ability to add and knowledge of election laws governing the operation of polling places." 10 ILCS 5/13-2.2.

Michigan statutes require that the secretary of state "establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school elections officials." s. 168.31(1)(j), Mich. Stats. All new election officials are required to take the training "within 6 months before the date of the election." s. 168.31(1)(k), Mich. Stats. The training focuses on "the conducting of elections in accordance with the election laws." s. 168.33(1), Mich. Stats.

Iowa's Administrative Code provides that voting centers, locations where all voters in a city can vote, must be staffed by officials who are "trained before each election and shall have specific instructions regarding the differences between voting centers and polling places." 721-21.75(6)(d), Iowa Admin. Code. Additionally, the Iowa statutes provide that the election commissioner must offer "not later than the day before each primary and general election, a training course

for all election personnel." The course is mandatory for "[a]t least two precinct election officials who will serve on each precinct election board at the forthcoming election." s. 49.124, Iowa Stats.

8. Summary of factual data and analytical methodologies: Adoption of the rule was predicated on state mandate rather than on any factual data or analytical methodology.
9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.
11. Agency contact person (including e-mail and telephone): Michael Haas, Staff Counsel, Government Accountability Board, 212 East Washington Avenue, P.O. Box 7984, Madison, Wisconsin 53707-7984; Michael.Haas@wisconsin.gov; Phone (608) 266-0136.
12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 East Washington Avenue, P.O. Box 7984, Madison, WI 53707-7984; (elections.state.wi.us). [Staff will insert the deadline for comment submission prior to publication.]

Pursuant to the authority vested in the State of Wisconsin Government Accountability Board by ss. 5.05(1)(f) and 227.11(2)(a), Stats., the Government Accountability Board proposes an order to create chapter GAB 13 interpreting ss. 7.15, 7.31, and 7.315, Stats., as follows:

SECTION 1. Chapter GAB 13 is created to read:

GAB Chapter 13. Training of Election Officials

GAB 13.01 Election Official Training. (1) Definitions. In this chapter:

- (a) "Board" means the government accountability board.
- (b) "Election cycle" means the period beginning on January 1 of an odd-numbered year and continuing through December 31 of the following even-numbered year.
- (c) "Election" has the meaning given in s. 5.02(4), Stats.
- (d) "Municipal clerk" has the meaning given in s. 5.02(10), Stats.
- (e) "Election official" has the meaning given in s. 5.02(4e), Stats.

GAB 13.02 Municipal clerk training responsibilities

- (1) The municipal clerk is responsible for providing training opportunities for chief inspectors under ch. GAB 11, special registration deputies under s. GAB 3.12, and election inspectors and special voting deputies under this chapter.
- (2) The municipal clerk may utilize the board or another election official to provide training.
- (3) The municipal clerk shall maintain records that document the attendance at training sessions by chief inspectors, election inspectors, special registration deputies and special voting deputies. The training records, which are open to public inspection, shall include the date, location and duration of the training event.

GAB 13.05 Election inspector training.

- (1) The content and curriculum of the training required of election inspectors shall be prescribed by the board.
- (2) The training shall include the following elements:
 - (a) Instruction on polling place preparation, including detailed instruction on the set up, operation, and use of voting equipment.
 - (b) Information on determining elector residence and qualifications to vote.
 - (c) Instruction on registering electors at the polling place, including directions on the proper completion of the voter registration application form.
 - (d) Direction on recording elector information on the poll list, including special notations for absentee, challenged, and provisional voters and voters who have been convicted of a felony.
 - (e) Direction on maintaining ballot security and issuing ballots to voters.
 - (f) Instruction on provisional voting procedures.
 - (g) Instruction on assisting electors.
 - (h) Instruction on processing absentee ballots.
 - (i) Instruction on procedures for challenging electors.

- (j) Instruction on maintaining order at the polling place, including instruction on dispute resolution.
- (k) Information on the rights and responsibilities of election observers.
- (L) Instruction on the procedures for closing the polling place, including instruction on disaster preparedness.
- (m) Instruction on the procedures for reconciling voter lists.
- (n) Instruction on the procedures for counting ballots.
- (o) Instruction on determining voter intent.
- (p) Instruction on the proper use and completion of the inspectors' statement.
- (q) Instruction on the proper completion of forms used at the polling place, including direction on the requirement that the information on forms be legible.
- (r) Instruction on the procedures for securing and delivering completed election materials.
- (s) Instruction on the consequences of failing to follow prescribed procedures.
- (t) Any other information prescribed by the board.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/>.

GAB 13.10 Special voting deputy training.

- (1) The content and curriculum of the training required of special voting deputies shall be prescribed by the board.
- (2) The training shall include the following elements:
 - (a) Information on the absentee voting process for residents of nursing homes, retirement homes, and community-based residential facilities.
 - (b) Information on determining elector residence and qualifications to vote.
 - (c) Instruction on registering electors, including directions on the proper completion of the voter registration application form.
 - (d) Direction on completing the absentee ballot certificate envelope.

- (e) Direction on maintaining ballot security and issuing ballots to voters.
- (f) Instruction on assisting electors to vote.
- (g) Instruction on the procedures for challenging electors.
- (h) Instruction on maintaining order at the voting location, including instruction on dispute resolution.
- (i) Information on the rights and responsibilities of election observers.
- (j) Instruction on the procedures for securing and delivering completed election materials.
- (k) Instruction on the consequences for failing to follow prescribed procedures.
- (L) Any other information prescribed by the board.

GAB 13.15 Election official training requirements

- (1) Election inspectors and special voting deputies shall attend at least one training session every election cycle.
- (2) Municipal clerks shall arrange for election inspectors and special voting deputies to receive at least one hour of training before each election or at least two hours of training in an election cycle.
- (3) Election inspectors and special voting deputies may not serve as an election official until completing the training required by this chapter.

SECTION 2. EFFECTIVE DATE. The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s. 227.22(2), Stats.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

Michael Haas, Michael.Haas@wisconsin.gov
Staff Counsel, Government Accountability Board

212 East Washington Avenue, P.O. Box 7984
Madison, Wisconsin 53707-7984; Phone 608-266-0136

Dated _____, 2009

KEVIN J. KENNEDY
Director and General Counsel
Government Accountability Board

Attachment B

STATEMENT OF SCOPE OF PROPOSED RULE

Wisconsin Government Accountability Board

Subject: Repeal and recreate Chapter GAB 4, Election Observers. Relating to the conduct and regulation of election observers to monitor compliance with election laws by local election officials.

Description of policy issues:

Description of objective(s): To repeal the Government Accountability Board's existing rule, Chapter GAB 4, Election Observers, and to recreate it as a new rule implementing s.7.41, Stats., *Public's right to access*, and s.6.855, Stats., *Alternate absentee ballot sites*, to clarify standards of conduct applicable to persons who are present at a polling place, or elsewhere, for the purpose of observing all public aspects of an election, including voting, and the counting and canvassing of ballots.

Description of policies – relevant existing policies, proposed new policies and policy alternatives considered: Existing Ch. GAB 4 was originally adopted to implement s. 7.39, Stats., relating to the appointment of election observers at polling places in a municipality. Subsequently, the legislature enacted a much broader statute, s.7.41, Stats., which expanded the class of persons who may observe the proceedings at a polling place to include “any member of the public,” and repealed s.7.39, Stats.

In 2005 Act 451, the Wisconsin Legislature expanded the number of locations at which observers had the right to observe elections to include “the office of any municipal clerk whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site under s. 6.855 on any day that absentee ballots may be cast at that site for the purpose of observation of an election and the absentee ballot voting process.”

The Government Accountability Board now needs to promulgate a new rule implementing the amended s.7.41, Stats. and new s.6.855, Stats. by setting forth standards of conduct applicable to persons who are present at a polling place, or elsewhere, for the purpose of observing all public aspects of an election, including voting, and the counting and canvassing of ballots.

Statutory authority for the rule:

ss.5.05(1)(f), 7.41, 6.855, and 227.11(2)(a), Stats.

Estimates of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

10-20 hours of state employees' time.

A description of all of the entities that will be affected by the rule.

This rule will affect all persons who wish to observe elections in Wisconsin by maintaining a presence at polling places, communications media present at the polls, accessibility advocates, and local election inspectors.

A summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Neither the federal government nor federal law attempts to regulate the right of citizens to observe elections at polling places or attempts to regulate the conduct of persons who act as observers at polling places

Administrative Code/GAB 4/stmnt scope

Attachment C

NOTICE OF PROPOSED ORDER ADOPTING RULE
GOVERNMENT ACCOUNTABILITY BOARD

The Government Accountability Board proposed an order to create ch. GAB 22, Wis. Adm. Code, relating to settlement of certain campaign finance, ethics and lobbying violations.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutes interpreted: ss. 5.05(2m)(c)12., 11.05, 11.055, 11.06, 11.12, 11.20, 11.21, 11.26, 13.64, 13.65, 13.66, 13.67, 13.68, 13.625, and 19.43, Stats.
2. Statutory authority: ss. 5.05(2m)(c)12., 5.05(1)(f), and 227.11(2)(a), Stats.
3. Explanation of agency authority: Pursuant to s. 5.05(2m)(c)12., Stats., the legislature specifically authorized the Board to prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle without a formal investigation and upon payment of specified amounts by the alleged offender.
4. Related statute(s) or rule(s): Wisconsin Statutes ch. 11—Campaign Financing, ch. 13, subchapter III—Regulation of Lobbying, and ch. 19, subchapter III—Code of Ethics for Public Officials and Employees. Administrative Code, Ch. GAB 1—Campaign Financing.
5. Plain language analysis: Chapter GAB 22 will establish settlement offer guidelines that the Government Accountability Board's staff may use to resolve certain violations of chapters 11, 12, and 19, Stats., in lieu of an enforcement action.
6. Summary of, and comparison with, existing or proposed federal regulations: Federal regulations will not apply to the activities covered by ch. GAB 22. The Federal Election Commission has established various formulas and charts for automatic administrative civil penalties for late filing of federal reports that are based upon the amount of activity during the reporting period. See 11 CFR 111.43.
7. Comparison with rules in adjacent states: Illinois statutes prescribe automatic civil penalties for late or failure to file statements of organization of political committees, which are \$25.00 per business day and \$50.00 per business day for statewide offices. 10 ILCS 5/9-3. Illinois has administrative rules regarding civil penalties for late campaign finance reports, categorized based upon the amount of receipts, expenditures and balance at the end of the report. See 26 Ill. Adm. Code §125.425. These civil penalties range from the lowest category of \$25.00 per business day for the first violation, \$50.00 per business day for the second

violation, and \$75.00 per business day for the third and each subsequent violation, to the highest category of \$200.00 per business day for the first violation, \$400.00 per business day for the second violation, and \$600.00 per day for the third and each subsequent violation. Id.

Iowa's Ethics and Campaign Finance Disclosure Board has the authority to administratively resolve late reports by assessment of automatic civil penalties prescribed by the Board. Ch. 351—9.4(5), Iowa Adm. Code.

Michigan has rules prescribing automatic late fees for registration, reports and statements for lobbying and campaign finance matters. Rs. 4.443, 4.52, and 169.4. The automatic late fees campaign registration statements are \$10.00 per business day. See s. 169.224, Mich. Stats. The automatic late fees for campaign finance reports are \$25.00 for each business day it remains unfiled, an additional \$25.00 for each business day after the first three that the report remains unfiled, and an additional \$50.00 for each business day after the first ten that the report remains unfiled.

In Minnesota, the Office of Administrative Hearings has used a "penalty matrix" designed by the Secretary of State's Office to provide guidance for most campaign finance violations.

8. Summary of factual data and analytical methodologies: Adoption of these rules was primarily predicated upon the legislature's specific authorization to have the Government Accountability Board prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle without a formal investigation and upon payment of specified amounts by the alleged offender.
9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.
11. Agency contact person: Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984; Phone 266-2094; Shane.Falk@wisconsin.gov

FISCAL ESTIMATE: The creation of this rule has no new fiscal effect.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. Ch. GAB 22 is created to read:

CHAPTER GAB 22

SETTLEMENT OFFER SCHEDULE

22.01 Definitions. In this chapter:

- (1) "Board" means the Wisconsin government accountability board.
- (2) "Campaign finance registration statement" means the statement required to be filed by individuals, committees and groups under s.11.05, Stats.
- (3) "Continuing campaign finance report" means the semi-annual campaign finance report required under s.11.20(4), Stats.
- (4) Contribution has the meaning given in s.11.01(6), Stats.
- (5) Contributor means an individual or committee who makes a contribution under s.11.01(6), Stats.
- (6) "Contributor information" means the information required by s.11.06(1), Stats., regarding contributions greater than \$20 or greater than \$100.
- (7) "Disbursement" has the meaning given in s.11.01(7), Stats.
- (8) "Disbursement information" means the information required by s.11.06(1), Stats., regarding disbursements greater than \$20.
- (9) "Excess contribution" means a contribution that exceeds any of the limits set in s.11.26, Stats.
- (10) "File a paper copy" means the requirement in s.11.21(16), Stats., that registrants who are required to file a copy of their campaign finance reports in electronic format must also file a paper copy of their campaign finance reports.
- (11) "File electronically" means the requirement in s.11.21(16), Stats., that registrants subject to that section file a copy of their campaign finance reports in electronic format.
- (12) "Filing fee" means the fee required by s.11.055, Stats.
- (13) "Last-minute contribution" means the contribution or contributions described in s.11.12(5), Stats., that are made later than 15 days prior to a primary or an election.
- (14) "Lobbyist" has the meaning given in s.13.62(11), Stats.

(15) "Pre-primary report and pre-election report" means the campaign finance reports referred to in s.11.20(2), Stats., that are due no earlier than 14 days before a primary or election and no later than 8 days before a primary or election.

(16) "Principal" has the meaning given in s.13.62(12), Stats.

(17) "Registrant" has the meaning given in s.11.01(18m) Stats.

(18) "Statement of economic interests" has the meaning given in s.19.43, Stats.

22.02 Settlement of campaign finance violations.

(1) Violations of s.11.05, Stats., failure to timely file a campaign registration statement.

- a. If a campaign finance registration statement is received within 5 days of the due date for that registration, no penalty will be imposed on the registrant.
- b. If a campaign finance registration statement is received within 6 to 10 days of the due date for that registration, a settlement offer of \$100 will be extended to the registrant.
- c. If a campaign finance registration statement is received within 11 to 15 days of the due date for that registration, a settlement offer of \$250 will be extended to the registrant.
- d. If a campaign finance registration is received more than 15 days after the due date for that registration, a settlement offer of \$500 will be extended to the registrant.
- e. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating circumstances, including the registrant's low level of activity, in determining the amount of the settlement offer that will be extended to the registrant.

(2) Violations of s.11.20(4), Stats., failure to timely file the continuing campaign finance report.

- a. If a continuing campaign finance report is received within 5 days of the due date for that report, no penalty will be imposed on the registrant.
- b. If a continuing campaign finance report is received within 6 to 10 days of the due date for that report, a settlement offer of \$200 will be extended to the registrant.

- c. If a continuing campaign finance report is received within 11 to 15 days of the due date for that report, a settlement offer of \$500 will be extended to the registrant.
- d. If a continuing campaign finance report is received within 16 to 30 days of the due date for that report, a settlement offer of \$500 plus the greater of \$50 per day, or .1% of the salary for the office for which registered (for a candidate committee) per day, will be extended to the registrant.
- e. If a continuing campaign finance report is received more than 30 days after the due date for that report, a settlement offer of \$500 plus the greater of \$25 per day, or .5% of the salary for the office for which registered (for a candidate committee), per day, will be extended to the registrant.
- f. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating circumstances, including the registrant's level of activity under \$1,000 in receipts, in determining the amount of the settlement offer that will be extended to the registrant.

(3) Violations of s.11.20(2), Stats., failure to timely file the pre-primary and pre-election campaign finance reports.

- a. If a pre-primary or pre-election campaign finance report is received within 1 day of the due date for that report, no penalty will be imposed on the registrant.
- b. If a pre-primary or pre-election campaign finance report is received within 2 days of the due date for that report, a settlement offer of \$250 will be extended to the registrant.
- c. If a pre-primary or pre-election campaign finance report is received within 3 days of the due date for that report, a settlement offer of \$500 will be extended to the registrant.
- d. If a pre-primary or pre-election campaign finance report is received more than 3 days after the due date for that report, a settlement offer of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day, will be extended to the registrant.
- e. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating circumstances, including the registrant's failure to win the primary election, in determining the amount of the settlement offer that will be extended to the registrant.

(4) Violations of s.11.12(5), Stats., failure to timely file the 24-hour report of last-minute contributions.

- a. If a 24-hour report of last-minute contributions is received within 1 day of the due date for that report, a settlement offer of \$500 will be extended to the registrant.
- b. If a 24-hour report of last-minute contributions is received more than 1 day after the due date for that report, a settlement offer of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day, will be extended to the registrant.

(5) Violations of s.11.21(6), Stats., failure to timely file any campaign finance report electronically when required to do so. The board will extend a settlement offer based on treating the failure to timely file electronically the same as the failure to file a campaign finance report in any other format.

(6) Violations of s.11.055, Stats., failure to timely pay the filing fee.

- a. If a registrant has not paid the filing fee within the time provided by s.11.055, Stats., but does pay the fee within 10 days after notice of nonpayment from the Board, a settlement offer of \$300 will be extended to the registrant.
- b. If a registrant has not paid the filing fee within the time provided by s.11.055, Stats., but does pay the fee within 11 to 18 days after notice of nonpayment from the Board, a settlement offer of \$500 will be extended to the registrant.
- c. If a registrant has not paid the filing fee within the time provided by s.11.055, Stats., and does not pay the fee within 18 days after notice of nonpayment from the Board, a settlement offer of \$500 plus three times the payable fee will be extended to the registrant.

(7) Violations of s.11.06, Stats., failure to report all required contributor information on a campaign finance report.

- a. If the contributor information required by s.11.06, Stats., is not included on a campaign finance report and is not provided within 10 days of the board's notice of failure to comply – the registrant shall be extended a settlement offer consisting of the registrant's donation of the contribution to charity.
- b. If a report of the donation to charity of the prohibited contribution is not provided within 20 days of notice of the board's settlement offer – a

settlement offer of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day, will be extended to the registrant, and the prohibited contribution must be paid to charity.

- c. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating circumstances, including the registrant's inability to obtain the required information from the contributor, in determining the amount of the settlement offer that will be extended to the registrant.

(8) Violations of s.11.06, Stats., failure to report all required disbursement information on a campaign finance report.

- a. If the disbursement information required by s.11.06, Stats., is not included on a campaign finance report and is not provided within 10 days of the board's notice of failure to comply, the registrant will be extended a settlement offer consisting of \$100 plus 10% of the disbursement amount up to a maximum settlement offer of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day.
- b. If disbursement information required by s.11.06, Stats., is not included on a campaign finance report and is not provided within 20 days of the board's notice of failure to comply, the registrant will be extended a settlement offer consisting of \$100 plus 25% of the disbursement amount up to a maximum settlement offer of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day.
- c. If the disbursement information required by s.11.06, Stats., is not included on a campaign finance report and is not provided within 30 days of the board's notice of failure to comply, the registrant will be extended a settlement offer consisting of \$500 plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee) per day.

(9) Violations of s.11.06(5), Stats., failure to timely report the receipt of a contribution.

- a. If a contribution has not been included on a campaign finance report and the late report of the contribution is filed within 10 days of the due date for reporting the contribution, a settlement offer of 10% of the contribution will be extended to the registrant, up to a maximum settlement offer consisting of \$500, plus the greater of \$50 per day, or 1% of the annual

salary for the office for which registered (for a candidate committee), per day.

- b. If the late report of the contribution is filed within 11 to 20 days of the due date for reporting the contribution, a settlement offer of 25% of the contribution will be extended to the registrant, up to a maximum settlement offer consisting of \$500, plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee), per day.
- c. If the late report of the contribution is filed more than 20 days after the due date for reporting the contribution, a settlement offer of consisting of \$500, plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee), per day, will be extended to the registrant.
- d. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating or aggravating circumstances, including the board's discovery of the receipt of the contribution without disclosure by the registrant, in determining the amount of the settlement offer that will be extended to the registrant.

(10) Violations of s.11.06(5), Stats., failure to timely report the receipt of a disbursement.

- a. If a disbursement has not been included on a campaign finance report and the late report of the disbursement is filed within 10 days of the due date for reporting the disbursement, a settlement offer of 10% of the disbursement will be extended to the registrant, up to a maximum settlement offer consisting of \$500, plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee), per day.
- b. If the late report of the disbursement is filed within 11 to 20 days of the due date for reporting the disbursement, a settlement offer of 25% of the disbursement will be extended to the registrant, up to a maximum settlement offer consisting of \$500, plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee e), per day.
- c. If the late report of the disbursement is filed more than 20 days after the due date for reporting the disbursement, a settlement offer of consisting of \$500, plus the greater of \$50 per day, or 1% of the annual salary for the office for which registered (for a candidate committee), per day, will be extended to the registrant.

- d. Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating or aggravating circumstances, including the board's discovery of the making of the disbursement without disclosure by the registrant, in determining the amount of the settlement offer that will be extended to the registrant.

(11) Violations of s.11.26, Stats., for receiving or making contributions in excess of statutory limits. Any committee that receives a contribution in excess of the limits set by s.11.26, Stats., may be required to pay the excess portion of the contribution to any organization recognized as a charity by the Internal Revenue Code and will also be extended a settlement offer for a forfeiture of 50% of the excess contribution up to a maximum of \$500. Any individual or committee who makes a contribution in excess of the limits set by s.11.26, Stats., may be extended a settlement offer for a forfeiture of one and one-half times the excess portion of the contribution.

(12) Other violations of chapter 11 of the Wisconsin Statutes. Settlement offers to resolve all other violations of chapter 11 of the Wisconsin Statutes will be determined on a case-by-case basis.

22.03 Violations of Subchapter III of Chapter 19, Stats., the Code of Ethics for Public Officials and Employees: The failure to timely file the statement of economic interests as required by s.19.43, Stats.,

- (1) If a statement of economic interests is received within 5 days of the due date for that statement, no penalty will be imposed on the official.
- (2) If a statement of economic interests is received within 6 to 10 days of the due date for that statement, a settlement offer of \$10 will be extended to the official.
- (3) If a statement of economic interests is received within 11 to 25 days of the due date for that statement, a settlement offer of \$50 will be extended to the official.
- (4) If a statement of economic interests is received within 26 to 30 days of the due date for that statement, a settlement offer of \$100 will be extended to the official.
- (5) If a statement of economic interests is received more than 30 days after the due date for that statement, a settlement offer of \$250 will be extended to the official.
- (6) Notwithstanding the settlement terms provided by the preceding paragraphs, the board may consider mitigating circumstances, including the fact that the board's staff failed to notify the person filing the statement of the requirement

to file the statement of economic interests, in determining the amount of the settlement offer.

22.04 Violations of Subchapter III of Chapter 13, Stats., the Regulation of Lobbying in Wisconsin

(1) Violations of s.13.64, Stats., failure of a principal to timely file a registration statement .

- a. If the registration statement of a principal, as required by s.13.64, Stats., is received within 7 days of the due date for that registration, no penalty will be imposed on the registrant, but a warning, that any future failure to timely file could lead to a forfeiture, will be issued.
- b. If the registration statement of a principal is received within 8 to 14 days of the due date for that registration, a settlement offer of \$250 will be extended to the registrant.
- c. If the lobbying registration statement of a principal is received within 15 to 21 days of the due date for that registration, a settlement offer of \$500 will be extended to the registrant.
- d. If the lobbying registration statement of a principal is received within 22 to 28 days of the due date for that registration, a settlement offer of \$750 will be extended to the registrant.
- e. If the lobbying registration statement of a principal is received more than 28 days after the due date for that registration, a settlement offer of \$1,000 will be extended to the registrant.

(2) Violations of s.13.66, Stats., failure of a lobbyist to timely obtain a license to act as a lobbyist.

- a. If a lobbyist fails to timely obtain a license to act as a lobbyist under s.13.66, Stats., but obtains that license within 7 days of the due date for obtaining that license, no penalty will be imposed on the lobbyist, but a warning, that any future failure to timely file could lead to a forfeiture, will be issued.
- b. If a lobbyist fails to timely obtain a license to act as a lobbyist under s.13.66, Stats., but obtains that license within 8 to 14 days of the due date for obtaining that license, a settlement offer of \$75 will be extended to the lobbyist.
- c. If a lobbyist fails to timely obtain a license to act as a lobbyist under s.13.66, Stats., but obtains that license within 15 to 21 days of the due date

for obtaining that license, a settlement offer of \$125 will be extended to the lobbyist.

- d. If a lobbyist fails to timely obtain a license to act as a lobbyist under s.13.66, Stats., but obtains that license within 22 to 28 days of the due date for obtaining that license, a settlement offer of \$250 will be extended to the lobbyist.
- e. If a lobbyist fails to timely obtain a license to act as a lobbyist under s.13.66, Stats., and does not obtain that license until more than 28 days of the due date for obtaining that license, a settlement offer of \$500 will be extended to the lobbyist.

(3) Violations of s.13.65 Stats., failure of a principal to timely file a written authorization for a lobbyist to represent the principal.

- a. If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s.13.65, Stats., but files that authorization within 7 days of the due date for filing that authorization, no penalty will be imposed on the principal, but a warning, that any future failure to timely file could lead to a forfeiture, will be issued.
- b. If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s.13.65, Stats., but files that authorization within 8 to 14 days of the due date for filing that authorization, a settlement offer of \$125 will be extended to the principal.
- c. If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s.13.65, Stats., but files that authorization within 15 to 21 days of the due date for filing that authorization, a settlement offer of \$250 will be extended to the principal.
- d. If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s.13.65, Stats., but files that authorization within 22 to 28 days of the due date for filing that authorization, a settlement offer of \$375 will be extended to the principal.
- e. If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s.13.65, Stats., and does not file that authorization until more than 28 days after the due date for filing that authorization, a settlement offer of \$500 will be extended to the principal.

(4) Violations of s.13.68, Stats., failure of a principal to timely file the semi-annual report of lobbying expenditures and incurred obligations.

- a. If a principal fails to timely file the semi-annual report of lobbying expenses as required by s.13.68, Stats., but files that report within 2 days of the due date for filing that report, no penalty will be imposed on the principal.
- b. If a principal fails to timely file the semi-annual report of lobbying expenses as required by s.13.68, Stats., but files that report within 3 to 6 days of the due date for filing that report, a settlement offer of \$50 will be extended to the principal.
- c. If a principal fails to timely file the semi-annual report of lobbying expenses as required by s.13.68, Stats., but files that report within 7 to 14 days of the due date for filing that report, a settlement offer of \$200 will be extended to the principal.
- d. If a principal fails to timely file the semi-annual report of lobbying expenses as required by s.13.68, Stats., but files that report within 14 to 21 days of the due date for filing that report, a settlement offer of \$500 will be extended to the principal.

(5) Violations of s.13.67, Stats., failure of a principal to timely report the subject matter of lobbying. If a principal has failed to timely report the subject matter of lobbying, as required by s.13.67, Stats., the Board's staff will determine a settlement offer on a case-by-case basis, taking into consideration whether the principal's violation is a first, second, or third offense and taking into consideration the number of late-reported interests and the time period in which the violation or violations occurred.

(6) Violations of s.13.625, Stats.: Prohibited campaign contributions by lobbyists. If a lobbyist makes a campaign contribution prohibited by s.13.625, Stats., the recipient will be required to donate that contribution to charity and a settlement offer of \$500 will be extended to the lobbyist.

(7) The board's staff shall have the authority to increase or decrease any settlement offer extended for violations of Subchapter III of Chapter 13, Stats., based on mitigating or aggravating circumstances surrounding the violation.

SECTION 2. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.(22), Stats.

Attachment D

STATEMENT OF SCOPE

Government Accountability Board

Rule No.: GAB 7 Electronic Voting Systems

Relating to: Approval of Electronic Voting Equipment in accordance with ss. 5.40(2), 5.76, 5.77, 5.905, 5.91, 5.92, and 7.23(1)(g)

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Government Accountability Board's rule on electronic voting equipment, under ss. 5.05(1)(f) and 5.93, Stats., has become outdated due to technological advances and heightened public concerns regarding the security of those voting systems and the procedures to determine their compliance with Wisconsin Statutes. Since it has been 14 years (2000) since this rule was published, the Board proposes to repeal and re-create chapter GAB 7, so that this chapter is more in line with the current modes and practices .

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing policy: Chapter GAB 7 was originally published in 2000 and has not been amended except for renumbering and a correction in 2008. (Register April 2008 No. 628). Chapter 7 currently establishes a number of criteria which must be met for an electronic voting system to be approved for use in Wisconsin. It does not include guidelines to address technological and policy issues that have arisen in recent years, such as approval of engineering change orders, or approval of new components for equipment that was previously federally certified and approved for use in Wisconsin.

Proposed policy: Numerous concerns have arisen in regards to the security of electronic voting systems particularly with respect to ensuring that all systems in use have the necessary safeguards to ensure that they remain tamper-free and meet new testing criteria that reflect the use of the more modern systems now available. The Board proposed to initiate a comprehensive review of the standards and requirements of Chapter 7 and to determine whether more specific standards can address recent developments in voting equipment technology and approval, such as the treatment of engineering change orders and new components for existing systems, as well as compliance with the public records law. The Board proposes to update Chapter GAB 7 to provide clearer guidance to manufacturers of voting equipment and to local election officials, consistent with the Board's responsibility to approve electronic voting systems pursuant to ss. 5.91 and 5.93, Stats.

Alternatives:

A) Do Nothing – leave chapter 7 as it is.

- 1) Pros: This alternative means that no rule revision is necessary and staff resources will not be diverted from other tasks and duties needing the attention of the GAB.
- 2) Cons: The absence of rule revision in this instance will perpetuate the already out of date measures regarding the testing and approval of the various electronic voting systems that are increasingly available. As the pace of technology ever quickens and ch. 7 lags even further behind, the actual and perceived problems regarding the testing and approval of electronic voting systems will only become more egregious.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 5.05(1)(f), Stats., expressly authorizes the Board to promulgate rules under ch. 227, Stats., for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration.

Section 5.93, Stats., expressly authorizes the board to “promulgate reasonable rules for the administration of this [Electronic Voting Systems] subchapter.”

Section 227.11(2)(a), Stats., expressly authorizes the Board to promulgate rules to interpret the provisions of statutes the Board enforces or administers.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

300 - 350 hours

6. List with description of all entities that may be affected by the proposed rule:

This rule will affect manufacturers and vendors of electronic voting equipment as well as county and municipal election officials.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Help America Vote Act of 2002 (HAVA) establishes a process for testing of electronic voting systems by accredited laboratories and certification by the federal Elections Assistance Commission. The testing results and certification guidelines used by the Commission may be adopted for use at the option of states. Current administrative rules and Board procedures rely on the federal testing and certification process, supplemented by the Board’s functional testing of voting systems to ensure that their operation complies with Wisconsin election laws and infrastructure.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The anticipated economic impact from the implementation of the proposed rule is minimal to none. Equipment manufacturers and vendors are already required to pay all costs related to the Board’s testing and approval of electronic voting equipment. The proposed rule would incorporate current procedures used by equipment manufacturers and the Board as part of the testing and approval protocols.

Contact Person: Michael Haas, 608-266-0136, michael.haas@wi.gov.

Kevin J. Kennedy

Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

July 8, 2013
Date Submitted

Attachment E

STATEMENT OF SCOPE

Government Accountability Board

Rule No.: GAB 5

Relating to: Ballot security and interpreting ss. 5.84, 5.86, 5.87, 5.90, 5.905, 5.91, 7.23, 7.51, and 9.01, Stats.

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Government Accountability Board's rule on ballot security, under ss. 7.23 and 7.51, Stats., has become outdated because of advances in technology and because of heightened administrative and public concerns about ballot security in light of recent security and chain-of-custody problems in elections both in Wisconsin and in other states. To address those concerns and to update ballot security procedures in Wisconsin, the Board proposes to repeal and re-create chapter GAB 5, the ballot security rule.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing policy: Chapter GAB 5 was originally published in 1992 and has not been amended except for renumbering and a correction in 2008. (Registers April 2008 No. 628 and June 2008 No. 630) Numerous statutory amendments have been made since 1992 for which GAB 5 applies. For example, current GAB 5 is silent as to the security of present-day electronic voting systems.

Proposed policy: Recreated Chapter GAB 5 will address the statutory changes that have occurred since 1992 and create security instructions for the safeguarding of electronic tabulating voting equipment memory devices for periods before, during, and after elections. The rule also provides flexibility for counties to request approval to implement alternative security procedures.

Alternatives:

A) Do Nothing – leave chapter 5 as it is.

- 1) Pros: This alternative means that no rule revision is necessary and staff resources will not be diverted from other tasks and duties needing the attention of the GAB.
- 2) Cons: The absence of rule revision in this instance will perpetuate the already out of date security measures and instructions provided in ch. 5 which are largely due to technological innovations. As the pace of technology ever quickens and ch. 5 lags behind even further the actual and perceived problems of ballot security will only become more egregious.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 7.23, Stats., establishes timelines for the destruction of election materials. Section 7.51, Stats., establishes requirements for securing ballots and electronic voting equipment and documenting their chain of custody.

Section 5.05(1)(f), Stats., expressly authorizes the Board to promulgate rules under ch. 227, Stats., for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration.

Section 227.11(2)(a), Stats., expressly authorizes the Board to promulgate rules to interpret the provisions of statutes the Board enforces or administers.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

20 hours

6. List with description of all entities that may be affected by the proposed rule:

This rule will affect county and municipal election officials.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Federal law does not apply to the preparation, printing, or security of ballots. Federal law does require that materials, including ballots, relating to any election in which a federal office is on the ballot, must be preserved for not fewer than 22 months.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The anticipated economic impact from the implementation of the proposed order is minimal to none. There may be some minimal economic impact on local officials but will not affect small businesses.

Contact Person: Michael Haas, 608-266-0136, michael.haas@wi.gov.



Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

May 23, 2013
Date Submitted

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 261-2028
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Board meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

SUBJECT: Proposed Legislative Agenda – Ethics and Accountability Division

At its December 2014 meeting, the Government Accountability Board asked staff to draft a resolution to be sent to the Legislature and Governor expressing the Board's opinion that Wisconsin's campaign finance laws, Wis. Stats. Ch. 11, should be totally rewritten. Judge Barland appointed a subcommittee of himself and Judge Froehlich to review staff's draft. The draft resolution, incorporating Judge Barland's and Judge Froehlich's comments, is attached.

Judge Barland also appointed a subcommittee of Judge Vocke and Judge Franke to review recommendations concerning changes to the Ethics Code and lobbying law prior to the January 2015 Board meeting. A copy of those recommendations that were sent to Judge Vocke and Judge Franke is also attached.

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 261-2028
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2015 Board meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared by:
Jonathan Becker
Ethics and Accountability Division Administrator

SUBJECT: Campaign Finance Revision Resolution

1. Whereas, Wisconsin's campaign finance laws, Wis. Stats. Ch. 11, have not undergone a thorough legislative review or revision since 1978.
2. Whereas, a number of federal court cases, holding various portions of the statutes unconstitutional, have made the practical application of the law difficult.
3. Whereas, the language of the statutes is convoluted and difficult for the average person to read and understand.
4. Whereas, the Government Accountability Board believes that, rather than a patchwork attempt to revise the law, a better approach would be a thorough review and revision of Wisconsin's campaign finance laws.

Therefore be it RESOLVED as follows:

1. The Government Accountability Board urges the Legislature to undertake a comprehensive review and revision of Wis. Stats., ch. 11 that, among other things, addresses:
 - The definition of political purpose so as to be consistent with court rulings;
 - What, if any, registration and reporting requirements should apply to organizations that only make independent disbursements;
 - What coordination between a candidate and other committees should be permissible and what should be prohibited;
 - Whether and what type of corporate contributions should be allowed;
 - Reporting requirements related to independent disbursements;
 - Thresholds for registration and reporting and to what committees those thresholds apply;

- Adjusting or limiting contribution limits enacted in the 1970s;
 - Consider whether or not to establish contribution limits from individuals to non-candidate committees that were removed when the statutory aggregate limit was deemed unconstitutional.
2. The Board believes that the best approach to this endeavor would be through the establishment of a Legislative Council study committee.

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the January 13, 2015 Board Meeting

TO: The Honorable Judge Timothy Vocke
Member, Wisconsin Government Accountability Board

The Honorable Judge John Franke
Member, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel
Jonathan Becker, Ethics and Accountability Division Administrator

PREPARED BY: Brian M. Bell, MPA, Elections and Ethics Specialist

SUBJECT: Lobbying, and Ethics Potential Legislative Changes

Background

Throughout its existence, the Wisconsin Government Accountability Board has recommended action to the State Legislature for several reasons. Some recommendations sought clarification on existing statutes. Other requests recommended changes to implement nationally recognized best practices. The Board has also made motions to communicate concerns of county and municipal clerks. Beginning with its first meeting, the Board reviewed applicable statutes and administrative code, as well as the policy and procedures of the previous Ethics Board and Elections Board. In 2009, the Board also adopted an Ethics and Accountability legislative agenda. The Wisconsin Government Accountability Board has repeatedly acted to make direct recommendations to the State Legislature or to direct staff to work with Legislators and their staff to make statutory changes. The Board has historically done so to promote enacting best practices and implementing policies consistent with its mission of administering and enforcing ethics, lobbying, campaign finance, and elections laws, enhancing representative democracy, and ensuring the integrity of the electoral process in Wisconsin.

Introduction

During the December 16, 2014 meeting, the Board appointed a subcommittee to review potential changes to the State of Wisconsin's lobbying and ethics statutes. This document outlines those potential changes for the subcommittee's review. Staff members compiled recommended changes to current policy identified by members of the State Legislature, registered committees, lobbyists, lobbying principals and the public. Staff also conducted a detailed review and analysis of current statutes, administrative code, and current Board policies in order to identify potential changes that may improve efficiency, cost-effectiveness, public comprehension, and general policy administration. The potential changes below are those identified by staff that improve administrative processes, provide clarity or simplification to

existing policies and procedures, update policies to reflect modern practices, or changes necessary because of recent litigation and court decisions. Potential changes are groups by provisions related to lobbying and ethics statutes.

Lobbying Potential Changes

1. *§13.62(10)*. The current definition of lobbying in statutes does not include gubernatorial nominations or executive orders. As both of these actions could have significant influence on the administration of State Statutes and Administrative Code, the legislature could add gubernatorial nominations and executive orders to the types actions that lobbyists may attempt to influence.
2. *§13.625*. This provision outlines prohibited practices for lobbyists. The construction of this provision meanders back and forth between prohibited and permissible practices. For clarity, the State Legislature could revise this provision in order to clarify prohibited and permissible practices. The State Legislature could also choose to clarify whether and/or when lobbyists may furnish a campaign contribution other than a personal contribution.

Please refer to the additional memorandum included in the meeting materials regarding proposed language revision for this section of the statutes.

3. *§13.625(1)(b)* and *13.69(2)*. These statutes create a loophole that does not require a committee to return a lobbyist's illegal campaign contribution. Instead, they could either keep the entire contribution, or return a portion to allow the lobbyist to cover the \$1,000 forfeiture. The State Legislature could revise these statutes to require the candidate committee to return the contribution to the lobbyist. While the Board may pursue the matter in court under current statutes, the Legislature could decide to require by statute the return of the unlawful contribution and forfeiture for accepting it.
4. *§§13.625(6g)* and *(6r)*. These provisions of the statutes use the term "legislative official" that is not specifically defined in this section of the statutes, nor under *Wis. Stat. §13.62 Definitions*. For clarity, the legislature could revise these provisions by changing "legislative official" to "legislative employee" as defined in *Wis. Stat. §13.62(8m)*.
5. *§13.685(7)*. This provision requires the Board to provide information to legislative clerks related to lobbying. All required information is publicly available on the Board's *Eye on Lobbying* website. The State Legislature could consider eliminating this unnecessary provision.
6. *§13.68(6)*. This provision of the statutes requires that the Board "mail written notices" to lobbying principals and authorized lobbyists of those principals that fail to file timely reports. The legislature could modernize this provision to facilitate more cost-effective means of notification such as email by replacing "mail written notices" with "provide notice by the most effective means available" or other similar language.
7. *§13.75*. Other state agencies have specific statutory authority granting permission to charge additional fees necessary to cover credit card payment fees (e.g., *Wis. Stat. §341.255(1)* authorizes the Department of Transportation to charge a fee for "fast service" for credit card transactions). The Board receives a substantial number of requests to pay fees related to

lobbying by credit card. The legislature could consider amending this section of the statutes to specifically authorize the Board to charge additional fees to cover the cost of credit card transactions.

Ethics Potential Changes

8. *§5.05(2m)(c)5.d.* The State Legislature could create a new provision to state "a recommendation to terminate the investigation for good cause shown" to allow another option for investigators when making recommendations to the Board. This would allow the Board to make the findings public in instances where there may be enough evidence for probable cause but not enough to prevail, or where the case does not warrant a penalty.
9. *§5.05(2m)(c)12.* In 2013, 16 Campaign Finance Audit settlements were over \$1000, 2 were over \$5,000. To improve administrative efficiency, the State Legislature could amend this provision by striking "by rule" and changing the aggregate limit for settlements from \$1,000 to \$5,000.
10. *§5.05(5s).* This section of the statutes does not allow the Board to release confidential information to the Legislative Audit Bureau (LAB) for official purposes related to an audit of the Board, or any area under the Board's authority and responsibility. The State Legislature could consider amending this section to grant the Board permission to share confidential information with the LAB after completion of a confidentiality agreement, similar to what the Board requires of staff.
11. *§5.05(5s)(e)(4).* This provision relating to records that are open and available to the public could be clarified by adding "or that no further action is warranted. This would allow the Board to make the findings public in instances where there may be enough evidence for probable cause but not enough to prevail, or where the case does not warrant a penalty.
12. *§19.42(12).* The current definition of a security used to determine what financial information filers must disclose on a statement of economic interests (SEIs) excludes only certificates of deposit and deposit accounts such as a checking or savings account. There are other types of securities that would be included in the definition provided in Wis. Stat. § 551.102(28) that provide no substantial information regarding a person's economic interests that may influence their official actions. The State Legislature could simplify the SEI reporting and reduce the burden on filers without reducing transparency regarding the economic interests of public officials by excluding defined benefit retirement plans, annuities, and money market funds from the definition of security in this provision of the statutes. The definition could also exclude mutual funds and exchange-traded funds (ETFs). All of these types of securities consist of a diverse conglomeration of securities not managed under the direct or indirect control or influence of the individual.
13. *§19.42(14).* This provision of the statutes defines "state public official" for determining who is subject to the state code of ethics. The current definition applies to elected officials only upon assuming office, and would not apply during the period between winning an election and taking the oath of office. For the purposes of clarity and simplification, the State Legislature could expand the definition of state public official to include officers-elect; this definition should match the definition of elective state official in Wis. Stat. §13.62(6). For this provision the definition of Officers-elect could be as having been issued a certificate of

election as stated in §7.70(5). It is significant to note that this suggested change would not require any additional SEI filing. The major effect of this potential change is that it would subject Officers-elect to the same conflict of interest and gift provisions applicable to serving elected officials.

14. §19.43(4). The deadline for candidates to file their statement of economic interests does not currently coincide with the deadline for filing their declaration of candidacy and nomination papers. The State Legislature could help to simplify this requirement for candidates by changing this provision so that the deadline for candidates to file SEIs is consistent with other applicable deadlines, which would currently be 5:00 p.m. on the deadline for filing nomination papers. See also *Wis. Stats. §§8.16(2) (b) and 8.20(6)*.
15. §19.44(1)(g). This section of the State Statutes outlines the required contents of the statement of economic interests (SEI form). The State Legislature may wish to consider changing the dollar amount thresholds for identifying each individual from whom the filer receives gifts in aggregate of \$50 or more to \$100. This would include things like wedding gifts.
16. §§19.45(6) and 19.59(g)8. These statutory provisions prohibit public officials from taking certain actions that would benefit them or their immediate family members. The State Legislature could consider expanding this prohibition to forbid state and local officials from acting in quasi-judicial matters affecting the employer of the official or the employer of any of their immediate family members. This addresses situations not currently covered by statute's conflict of interest provisions that potentially present a conflict.
17. §19.45(7)(a)4. This statutory provision allows a state public official, including a lawyer-legislator, to represent a client for compensation before the Department of Revenue on tax matters. The State Legislature may wish to consider repealing this provision to prevent the potential perception of a state public official using their position to exert undue influence.
18. §19.45(12). A U.S. District Court found this provision unconstitutional. The State Legislature should repeal this provision. *Barnett v. State Ethics Board, 817 F. Supp. 67 (1993)*.
19. §19.48(11). This provision relates to a website that allows the public to access information about procurement contracts (Contract Sunshine) as outlined in *Wis. Stat. §16.753(4)*. The State Legislature could improve administrative efficiency by incorporating this responsibility into the expenditure disclosure website, OpenBook.WI.gov, operated by the Department of Administration.

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the January 13, 2015 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Jonathan Becker
Ethics and Accountability Division Administrator

PRESENTED BY: Brian M. Bell, MPA
Elections and Ethics Specialist

SUBJECT: Proposed Language Revision to Wisconsin Statute §13.625

Introduction

This memorandum provides a proposed language revision to Wisconsin Statute §13.625 that would address several issues resulting from the meandering structure of the current language. Staff drafted this language by reorganizing the subsections into four more clearly distinct subsections. The italicized text listed at the end of a provision designates the related language in the current statutes.

Proposed Language Revision to Wisconsin Statute §13.625

- 1) No candidate for an elective state office, elective state official, agency official, legislative employee of the state, or personal campaign committee of a candidate for state elective office may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (3) and (4). *(3)*
- 2) No lobbyist or principal may:
 - a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto. *(1a)*
 - b) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action. *(1d)*
 - c) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee lodging, transportation, food, meals, beverages, entertainment, money or anything of pecuniary value, except as permitted under subs. (3) and (4). *(1b)*

3) Exemptions to prohibited practices.

- a) This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section. (7)
- b) This section does not apply to the solicitation, acceptance or furnishing of anything of pecuniary value by the department of tourism, or to a principal furnishing anything of pecuniary value to the department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em). (10)
- c) Subsection (2) does not apply to the solicitation of anything of pecuniary value for the benefit of the endangered resources program, as defined in s. 71.10 (5) (a) 2., by an agency official who administers the program. (8)
- d) Subsection (2) does not apply to the solicitation of anything of pecuniary value to pay the costs of remedying environmental contamination, as defined in s. 292.51 (1), by an agency official of the department of natural resources. (8m)
- e) This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the Wisconsin Economic Development Corporation, or to a principal furnishing anything of pecuniary value to the Wisconsin Economic Development Corporation, under s. 19.56 (3) (e) or (f) for the activities specified in s. 19.56 (3) (e). (9)
- f) This section does not apply to the furnishing of educational or informational materials by a lobbyist or principal to an elected state official, legislative official, or agency official, or acceptance thereof by an elected state official, legislative official, or agency official. (6t)
- g) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value that is made available to the general public. (2)
- h) Subsection (1) and (2) (c) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual. (6)
- i) Subsection (1) and (2) (c) does not apply to the compensation or employee benefits provided by a principal to an employee who is a candidate for an elective state office but who does not hold such an office if the employee is neither an agency official nor legislative employee, and if the principal or employee can demonstrate by clear and convincing evidence that the principal's employment of the employee and the compensation and employee benefits paid to the employee are unrelated to the candidacy. If the employee was employed by the principal prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employee benefits, except as provided by preexisting employment agreement, it is a

rebuttable presumption that the employment and compensation and benefits paid are unrelated to the candidacy. (4)

- j) Subsection (1) and (2) (c) does not apply if provided by a principal that is a local unit of government to a legislative official or agency official who is an elected official of that unit of government, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated elected officials of the same local governmental unit, including the furnishing of a per diem or reimbursement for actual and reasonable expenses. (6g)
- k) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value by a principal to an officer or employee of the University of Wisconsin System, or the solicitation or acceptance thereof by such an officer or employee, for service as a member of the governing body of the principal, in an amount not exceeding the amount furnished to other members of the governing body for the same service. (6s)
- l) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances. (6r)

4) Furnishing campaign contributions.

- a) In this section, campaign contribution has the meaning provided in s. [11.01 \(6\)](#).
- b) Lobbyists may furnish a campaign contribution to their own personal campaign for partisan elective office at any time. (1c2)
- c) Lobbyists or principals may furnish a campaign contribution to a candidate for non-partisan state office at any time, as long as the candidate is not also a partisan state elected official.
- d) Except as provided in subsection (d), lobbyists or principals may furnish a campaign contribution to a candidate for state partisan elective office or an elected partisan state official running for any office on behalf of themselves or others only between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election. (1c)
- e) A lobbyist or principal may not furnish any campaign contribution to a legislator running for any office or a candidate for legislative office if the legislature has not yet concluded its final floor period, or is in special or extraordinary session. (1c1)