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Meeting of the Board

Wednesday, April 29, 2015  
9:00 A.M.

Agenda  
Open Session

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

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**Wednesday, April 29, 2015**

**9:00 A.M.**

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- A. Call to Order**
- B. Director’s Report of Appropriate Meeting Notice**
- C. Canvass of 2015 Spring Election**
- D. Minutes of Previous Meetings**
  - 1. March 4-5, 2015 Meeting** 3
  - 2. March 13, 2015 Teleconference Meeting** 25
  - 3. March 18, 2015 Teleconference Meeting** 28
  - 4. March 25, 2015 Teleconference Meeting** 30
  - 5. April 10, 2015 Teleconference Meeting** 33
- E. Personal Appearances**
- F. Elections Division Legislative Agenda** 37
- G. Voter ID Implementation** 50
- H. Report on SVRS Treatment of Voters Adjudicated Incompetent** 53
- I. Proposed Policy on Approval of Electronic Voting Equipment Engineering Change Orders (ECO)** 60

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.

<b>J.</b>	<b>Administrative Rules: Status of Rules and Authorization of Scope Statements</b>	<b>75</b>
<b>K.</b>	<b>Approval of SVRS Related Contracts</b>	<b>96</b>
<b>L.</b>	<b>Proposed Lobbying Settlement Schedule – 15 Day Reporting</b>	<b>99</b>
<b>M.</b>	<b>Proposed Guideline on Capitol Tours and Use of State Flag</b>	<b>100</b>
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<b>O.</b>	<b>Legislative Status Report</b>	<b>106</b>
<b>P.</b>	<b>Per Diem Payments</b>	<b>Oral</b>
<b>Q.</b>	<b>Director’s Report</b>	
	<b>1. Ethics Division Report – campaign finance, ethics, and lobbying administration</b>	<b>112</b>
	<b>2. Elections Division Report – election administration</b>	<b>124</b>
	<b>3. Office of General Counsel Report – general administration</b>	<b>144</b>
<b>R.</b>	<b>Closed Session</b>	
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 Thursday, June 18, 2015 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m.

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.

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
March 4 and 5, 2015  
9:00 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
C. Approved Minutes of January Meetings	1
E. Accepted Report on Post-Election Audit of Voting Equipment	2
F. Approved Recommendations from LAB Audit	2
G. Directed Drafting of Letter to Joint Committee on Finance	17
J. Approved Process for Appointing EAC Standards Board Representatives	18
K. Amended Delegation of Certain Duties to Director and General Counsel	19
M. Revised April and June Meeting Dates	20

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

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

### **A. Call to Order**

Vice Chairperson Lamelas called the meeting to order at 9:04 a.m.

### **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**

### **January 13, 2015 Meeting**

**MOTION:** Approve the minutes of the January 13, 2015 meeting of the Government Accountability Board. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

### **January 21, 2015 Meeting**

**MOTION:** Approve the minutes of the January 21, 2015 meeting of the Government Accountability Board. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

## **D. Personal Appearances**

**Mary Ann Hanson of Brookfield** appeared on her own behalf to discuss concerns about Legislative Audit Bureau (LAB) findings regarding the Statewide Voter Registration System (SVRS). Specifically, she discussed LAB recommendations related to deceased individuals in SVRS, inactivation of individuals with felony convictions and timely voter verification postcards.

Director Kennedy and Ms. Hanson discussed the cost of building SVRS.

**Colleen Adams of Green Bay** appeared on behalf of Wisconsin Voices, an association of nonprofit agencies, to ask the Board to revisit the price for voter data from SVRS. She said Wisconsin has the second-highest price in the country for voter data. She summarized the pricing and delivery options offered by other states.

## **E. Report on Post-Election Audit of Voting Equipment**

Elections Division Administrator Michael Haas introduced Electronic Voting Systems Election Specialist Matthew Kitzman and Election Specialist David Buerger, who made an oral presentation based on a report starting on page 15 of the March 2015 Board Meeting Materials. Mr. Kitzman described the audit, the purpose of which, as provided in the statutes, is to determine the error rate of voting systems in counting ballots, not to verify the outcome of the election.

Board Members and staff discussed the audit process and the findings, which showed no instances of machine error in reading properly-marked ballots.

**MOTION:** Accept the report submitted by the G.A.B. staff concerning the 2014 post-election voting equipment audit. Moved by Judge Franke, seconded by Judge Vocke. Motion carried unanimously.

## F. Status Report on Compliance with LAB Audit Report

Elections Division Administrator Haas and Elections Supervisor Ross Hein made an oral presentation based on a report starting on page 36 of the March 2015 Board Meeting Materials. In December 2014, the Board directed staff to prepare a progress report on the status of efforts to implement Legislative Audit Bureau recommendations.

The page numbers accompanying the recommendations refer to the pages of the LAB Audit Report on the Government Accountability Board: <http://legis.wisconsin.gov/lab/reports/14-14highlights.htm>.

<b>Recommendation 1</b> Page 22	Promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies.	Scope statement approved by Board 1/13/14 and sent to Governor
<b>Recommendation 2</b> Page 22	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Will submit report.

Mr. Haas said some progress has been made by sending the scope statement to the Governor, and that administrative rules will be the focus of the new staff counsel. No Board action is required.

<b>Recommendation 3</b> Page 26	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.	Report prepared for the March Board Meeting
<b>Recommendation 4</b> Page 26	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report

Mr. Haas briefed the Board on issues identified by the audit. because not all clerks use SVRS to send HAVA check letters to voters whose information may not match DMV records. As a result, LAB was unable to track whether all clerks had mailed letters as part of the audit.

Board Members and staff discussed the issue in depth, including:

- The purpose of HAVA checks is to ensure data quality, which makes it easier to eliminate duplicates and to match the voter list with other lists such as deaths and felony convictions to inactivate ineligible voters.

- There are issues related to administering elections at the municipal level because clerks in approximately 1,300 municipalities rely on county clerks or other municipal clerks to maintain their voter records in SVRS.
- Changes would have to be made to SVRS to track clerk contacts with voters if the clerk does not use SVRS to generate communications.
- Any changes to the responsibilities placed on clerks to track their HAVA-check communications with voters in SVRS would need to be communicated effectively.

Judge Froehlich suggested that when the G.A.B. reports to the Legislature on its efforts to implement the LAB recommendations, it should include a fiscal note regarding how many staff hours and how much money it would cost.

Judge Barland said that because SVRS is essential to conducting elections, he would move adoption of the first sentence of the staff’s recommended motion, striking the word “elsewhere,” and including Judge Froehlich’s suggestion for a fiscal note.

**MOTION:** Direct staff to develop a procedure for instructing local officials to document their actions to correct non-matched information in SVRS, and to report to the Legislature on the estimated cost in staff hours and money. Moved by Judge Barland.

Board Members and staff discussed the details of cost estimates and the wording of the motion. Judge Barland accepted friendly amendments to his motion, which became:

**MOTION:** Direct staff to develop a procedure for local officials to document their actions to correct non-matched information in SVRS, and direct staff to estimate the cost in staff hours and fiscal expenditures of developing and implementing such a procedure. Moved by Judge Barland, seconded by Judge Vocke. Motion carried unanimously.

<p><b>Recommendation 5</b> Page 29</p>	<p>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.</p>	<p>In progress</p>
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Mr. Haas reported on staff’s efforts to determine whether any deceased persons had voted, and noted that additional information from clerks would be required.

Board Members and staff discussed the importance of determining whether anyone is voting in the name of deceased individuals.

**MOTION:** Accept the staff’s review and analysis of the records of 88 deceased voters identified by the LAB, and direct staff to reach out to the municipal clerks for the 88 records identified by LAB, because staff cannot determine whether any of these individuals’ votes were inappropriately cast in the FY 2012-2013 elections, and determine whether records exist from past elections to assist in making conclusive determinations. Moved by Judge Barland, seconded by Judge Vocke. Motion carried unanimously.

<p><b>Recommendation 6</b> Page 29</p>	<p>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.</p>	<p>Report prepared for the March Board Meeting</p>
<p><b>Recommendation 7</b> Page 29</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (5 and 6).</p>	<p>Will submit report</p>

Mr. Haas reviewed the LAB recommendation regarding new audits to determine whether people who died before Election Day voted, which would be similar to the existing, statutorily-required audits for felon voters.

**MOTION:** Direct staff to explore with the Legislature and local election officials the feasibility of implementing a post-election death record audit, including the anticipated personnel, administrative, IT costs and resources required. Moved by Judge Froehlich, seconded by Judge Barland.

Board Members and staff discussed the motion and possible amendments. Judge Froehlich said the Board should recommend that legislation be adopted requiring an audit. Judge Lamelas proposed a series of friendly amendments to the motion and restated the motion with the proposed amendments:

**MOTION:** Recommend the Legislature enact legislation authorizing and requiring the Government Accountability Board to conduct a post-election death audit and direct staff to estimate the cost of implementing such a statute, including staff hours and fiscal expenditures. Judge Froehlich and Judge Barland accepted the friendly amendments. Motion carried unanimously.

<p><b>Recommendation 8</b> Page 32</p>	<p>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.</p>	<p>Preparing report for the March Board Meeting</p>
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Mr. Haas reviewed the LAB’s recommendation and said staff’s concerns about implementing Recommendation 8 are similar to those about Recommendation 3.

Board Members and staff discussed the recommendation, and Board Members indicated they would like staff to develop procedures to present to the Board, along with cost estimates, prior to implementation.

**MOTION:** Direct staff to develop a procedure for local officials to document their actions to resolve felon voting record matches in SVRS, and direct staff to estimate the cost of implementing such a statute, including staff hours and fiscal expenditures. Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried unanimously.

<b>Recommendation 9</b> Page 32	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
<b>Recommendation 10</b> Page 32	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (8 and 9).	Will submit report

Mr. Hein reviewed the LAB recommendation and noted that two cases require further investigation.

**MOTION:** Direct staff to communicate with the local clerks regarding the two voter records that require further investigation to determine if the matches were indeed correct, and whether the voters were notified that their registrations were made inactive. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

<b>Recommendation 11</b> Page 33	Complete in a timely manner the statutorily required reviews to identify individuals with ongoing felony sentences who may have voted.	Completed
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Mr. Hein reported that staff has completed all post-election felon audits on schedule. No Board action is required.

Board Members and staff also discussed reporting on the number of cases referred to District Attorneys and the number of cases closed.

<b>Recommendation 12</b> Page 33	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
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Board Members and staff discussed the frequency of reports to the Board regarding referrals to District Attorneys. Mr. Haas said that even though statutes require District Attorneys to report on the status of referrals, staff does not receive many reports.

Judge Froehlich asked that reports include when the referrals were made, and said the reports should be posted on the agency website for possible use by a District Attorney’s opponent in an election. Judge Nichol said District Attorneys have not had staffing increases since 1988, and as a result, felon voting prosecutions are not as high of a priority as more serious felonies.

**MOTION:** Direct staff to provide semi-annual reports to the Board regarding actions taken by District Attorneys regarding referrals resulting from the post-felon audit process, including an aging of referrals by the date of the referral and indicating which county it was referred to. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

Judge Franke asked whether there is a reasonable time frame in which the felon audit is conducted after each election. Mr. Hein explained that for most elections, clerks have 30 days to record voter participation, which is necessary to conduct the audit. For general elections, the time can range from 45 to 90 days for voter participation to be recorded and reconciled. It can take up to 120 days to make a referral, which is done electronically with supporting documentation from the Department of Corrections and the local clerk.

<p><b>Recommendation 13</b> Page 33</p>	<p>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.</p>	<p>Completed</p>
<p><b>Recommendation 14</b> Page 33</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (11, 12 and 13).</p>	<p>Will submit report</p>

Mr. Hein reviewed changes to the Department of Corrections’ offender tracking system, which have improved the quality of data.

**MOTION:** Direct staff to continue to work with DOC in an effort to improve data quality sharing processes. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

<p><b>Recommendation 15</b> Page 34</p>	<p>Promulgate administrative rules that specify the responsibilities of clerks for maintaining voter registration records in the Statewide Voter Registration System.</p>	<p>Need approved scope statement.</p>
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<b>Recommendation 16</b> Page 34	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Will submit report
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Mr. Haas reported that the Board approved the administrative rule scope statement in January 2015, but it has not yet been sent to the Governor’s office. The new staff counsel will focus on administrative rules. No Board action is required.

Judge Lamelas called a recess at 11:34 a.m., and the Board reconvened at 11:42 a.m.

<b>Recommendation 17</b> Page 49	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
<b>Recommendation 18</b> Page 49	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report
<b>Recommendation 19</b> Page 52	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.
<b>Recommendation 22</b> Page 54	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

Ethics Division Administrator Jonathan Becker reported on several recommendations related to settlement schedules, and as a result, some will be numbered out of order. He said that when the Board began work in 2008, it adopted an interim settlement schedule for minor violations of campaign finance, lobbying and ethics disclosure matters based on those used previously by the State Ethics Board and the State Elections Board. He said staff came back and recommended changes based on experience, and that the Board directed staff to promulgate an administrative rule, which was not completed. The LAB audit recommended the staff follow the 2008 schedule, which it has done, he said.

Mr. Becker reviewed a new proposed settlement schedule, which is designed to encourage people to file timely and accurate reports, and will increase penalties as lateness increases.

Board Members and staff extensively discussed details of the proposed settlement schedule. Board Members suggested improvements to the format and wording of the settlement schedule, and Mr. Becker said it could be reworked and translated into a chart. They discussed the need for a teleconference meeting for the Board to review changes. Mr. Becker said staff will revise the proposed settlement schedule by March 13, after which the Board will meet.

By consensus, the Board directed staff to revise the proposed settlement schedule as discussed and provide to Board members by March 13, after which the Board will hold a teleconference meeting to review it.

Judge Lamelas called a recess for lunch at 12:25 p.m. The Board reconvened at 1:10 p.m.

Mr. Becker resumed his presentation on the LAB recommendations.

<p><b>Recommendation 20</b> Page 52</p>	<p>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.</p>	<p>Preparing report for the March Board Meeting</p>
<p><b>Recommendation 21</b> Page 52</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (19 and 20).</p>	<p>Will submit report</p>

Board Members and staff discussed the frequency of staff reports to the Board. Staff suggested semi-annual reports, based on when campaign finance continuing reports are filed. Board Members said they want to receive more frequent reports.

**MOTION:** Direct staff to provide quarterly reports 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. Moved by Judge Vocke, seconded by Judge Nichol. Motion carried unanimously.

<p><b>Recommendation 23</b> Page 54</p>	<p>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.</p>	<p>Under development</p>
<p><b>Recommendation 24</b> Page 55</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (22 and 23).</p>	<p>Will submit report</p>

A database to track all penalties is under development, and the Board took no action on these recommendations.

<p><b>Recommendation 25</b> Page 56</p>	<p>Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with campaign finance laws.</p>	<p>Completed</p>
<p><b>Recommendation 26</b> Page 56</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.</p>	<p>Will submit report</p>

Mr. Becker reported that every formal opinion of the Board has now been posted online. Because the opinions must be summarized to delete personally identifying information, staff recommends a standard deadline of 10 days after Board approval for posting them online.

**MOTION:** Establish a publication schedule for redacted versions of formal opinions and direct staff to publish such opinions on the Board’s website within 10 business days of issuance. Moved by Judge Barland, seconded by Judge Vocke. Motion carried unanimously.

<p><b>Recommendation 27</b> Page 59</p>	<p>Determine whether to revoke the existing licenses of lobbyists who are delinquent in paying state taxes or court-ordered child or family support payments.</p>	<p>Preparing report for the March Board Meeting</p>
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<b>Recommendation 28</b> Page 59	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report
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Mr. Becker reported that prior to licensing, staff checks with the Department of Revenue and the Department of Children and Families to determine whether applicants for lobbying licenses owe back taxes or child support payments, and in some cases the staff will withhold licenses. In the past, staff has relied on those agencies to report whether a lobbyist has become delinquent during a session. Staff has now met with both departments and has developed automated checks that will inform staff if a lobbyist does become delinquent. Mr. Becker said staff has accomplished this recommendation or is well along in implementing it. No Board action is required.

<b>Recommendation 29</b> Page 64	Adhere to the Government Accountability Board’s February 2008 penalty schedule when assessing penalties.	Now current practice
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Mr. Becker said staff has prepared a revised settlement schedule for late filing of Statements of Lobbying Activity and Expenditures (SLAE). Judge Vocke suggested adding language stating that these are settlement offers, and that anyone who refuses may be taken to court.

**MOTION:** Direct staff to follow the new forfeiture schedule for late Statements of Lobbying Activity and Expenditures on an interim basis from January 1, 2015 forward, and post it on the agency website.

Late filing of semi-annual lobbying report (§13.68) – maximum penalty \$5,000

Days Late	First Offense	Second or Greater Offense
2 business days	No penalty	Warning
3-5 days	Warning	\$50
6-15 days	Warning	\$100
16-29 days	\$50	\$250
30+ days	\$100	\$500

Moved by Judge Vocke, seconded by Judge Barland.

Board Members and staff discussed whether statutes require settlement schedules to be adopted by rule. Staff cited statutory language that the Board may compromise and settle any action, and that the Board may by rule create schedules of settlements. Board Members agreed that because the language of the statute does not say “shall,” it is not mandatory to establish settlement schedules by rule. Mr. Becker said that these settlement amounts apply to ordinary violations, and in the event of a recalcitrant non-filer or a filer with extenuating circumstances, staff would come to the Board and ask if a deviation from the approved schedule was warranted.

Motion carried unanimously.

<p><b>Recommendation 30</b> Page 64</p>	<p>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.</p>	<p>Under development</p>
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The Board took no action on this recommendation.

<p><b>Recommendation 31</b> Page 64</p>	<p>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.</p>	<p>Preparing report for the March Board Meeting</p>
<p><b>Recommendation 32</b> Page 64</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (29, 30 and 31).</p>	<p>Will submit report</p>

Mr. Becker said most lobbying principals file on time, and the Board has never had someone fail to file. He said staff has some concerns about the constitutionality of prohibiting someone from exercising their First Amendment right to petition the government because they have filed a late report.

Judge Froehlich suggested asking the Attorney General for an opinion on the matter.

**MOTION:** Direct staff to ask the Attorney General for an opinion on the constitutionality of prohibiting principals that have not filed timely semiannual expense statements from allowing lobbyists to lobby on their behalf. Moved by Judge Froehlich, seconded by Judge Barland. Motion carried unanimously.

**MOTION:** Approve the staff’s notification and compliance procedures for late filing of semiannual expense statements. Moved by Judge Froehlich, seconded by Judge Vocke. Motion carried unanimously.

<b>Recommendation 33</b> Page 65	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
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Mr. Becker reported that statutes require the G.A.B. to provide weekly reports to the Legislature of new lobbying activity. Staff has developed a new report that is being sent to the Legislature every week, and has complied with this recommendation. No Board action is required.

<b>Recommendation 34</b> Page 65	Include in the biennial reports to the Legislature all statutorily required information.	Will complete
<b>Recommendation 35</b> Page 65	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (33 and 34).	Will submit report

Mr. Becker reported that the next Biennial Report due in October 2015 will include statutorily required information about lobbying activities and expenditures. No Board action is required.

<b>Recommendation 36</b> Page 67	Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with lobbying laws.	Completed
<b>Recommendation 37</b> Page 67	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Will submit report

Mr. Becker reported that all lobbying law opinions have been published to the agency website. No Board action is required.

<p><b>Recommendation 38</b> Page 73</p>	<p>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.</p>	<p>Preparing report for the March Board Meeting</p>
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Mr. Becker presented a staff memorandum on page 78 of the March 2015 Board Meeting Materials outlining a proposed schedule and procedures for late filing of Statements of Economic Interests.

Board Members and staff discussed the frequency of requests for extensions and procedures for bringing exceptions to the Board. Judge Barland said he would move approval of the recommended motion, but indicated staff needed to fix grammatical problems in the memorandum.

**MOTION:** Approve the procedures for filing Statements of Economic Interests as revised, and direct staff to follow these procedures. Moved by Judge Barland, seconded by Judge Froehlich. Motion carried unanimously.

<p><b>Recommendation 39</b> Page 73</p>	<p>Promptly notify the Department of Administration and the employing agency when an individual does not file a statement of economic interests on time.</p>	<p>Preparing report for the March Board Meeting</p>
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Mr. Becker said the staff memorandum outlining a proposed schedule and procedures for late filing of Statements of Economic Interests contains language that the Board grants 15-day extensions for reasons of administrative efficiency. Beyond 15 days, extension requests would be considered individually by the Board. Staff defines “promptly” as 30 days before notifying the Department of Administration.

**MOTION:** Adopt recommended changes to the SEI procedures and direct staff to follow the updated procedures effective January 1, 2015. Moved by Judge Froehlich, seconded by Judge Franke. Motion carried unanimously.

<p><b>Recommendation 40</b> Page 73</p>	<p>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.</p>	<p>Under development</p>
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Mr. Becker reported that the tracking system is under development and no Board action is required.

<p><b>Recommendation 41</b> Page 73</p>	<p>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.</p>	<p>Now current practice</p>
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Mr. Becker reported that this recommendation was addressed by the motion approved for Recommendation 38, and no further action is required.

<p><b>Recommendation 42</b> Page 73</p>	<p>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.</p>	<p>Preparing report for the March Board Meeting</p>
<p><b>Recommendation 43</b> Page 74</p>	<p>Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (38, 39, 40, 41 and 42).</p>	<p>Will submit report</p>

Mr. Becker reported that this recommendation was addressed by the motion approved for Recommendation 38, and no further action is required.

<b>Recommendation 44</b> Page 87	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.	Report prepared for the March Board Meeting
<b>Recommendation 45</b> Page 87	Maintain complete, centralized information about all complaints received and inquiries undertaken, including the resolution of these issues.	Database created
<b>Recommendation 46</b> Page 87	Report regularly to the Government Accountability Board on the status and resolution of all inquiries.	Report for the March Board Meeting
<b>Recommendation 47</b> Page 87	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations (44, 45 and 46).	Will submit report

Mr. Haas made an oral presentation based on a memorandum beginning on page 84 of the March 2015 Board Materials related to policies for considering complaints, maintaining a central database of complaints and reporting on the same to the Board. He noted that staff has always had complaint procedures in Chapter 20 of the administrative rules, but there has been a lack of written internal procedures. He reported that staff has made great strides in complying with these recommendations, and has created a new complaints database.

Board Members and staff discussed complaint procedures and the workings of the new complaint database.

**MOTION:** Approve the Complaint Procedures in the memorandum beginning on page 84 of the March 2015 Board Materials, and direct Board staff to implement the described procedures, and provide reports to the Board at each regular meeting which summarize the status of complaints received by the agency and of its investigations and inquiries. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

<b>Recommendation 48</b> Page 92	Promulgate all required administrative rules.	In progress
<b>Recommendation 49</b> Page 92	Remove from the Administrative Code the eight rules that are not in effect because it did not vote to adopt them.	In progress
<b>Recommendation 50</b> Page 92	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

<p><b>Recommendation 51</b> Page 92</p>	<p>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. (48, 49 and 50)</p>	<p>Will submit report</p>
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Director Kennedy reported that remaining recommendations dealing with administrative rules had not yet moved forward, but will upon the hiring of a new staff counsel, whose primary focus will be on promulgation of the rules.

Board Members and staff discussed scheduling a special teleconference meeting prior to the April 15 deadline for submitting the status report to the Joint Committee on Legislative Audit. By consensus, the Board agreed to meet by teleconference at 9 a.m. Friday, April 10.

**G. Review Status of Agency Budget Request**

Director Kennedy made an oral presentation based on a memorandum starting on page 99 of the March 2015 Board Meeting Materials. He reviewed for the Board the potential effects of the Governor’s proposed FY 2015-2017 Budget on the agency, stating that the budget presents a very real challenge for the agency. While the budget does provide funding and permanent position authority for 22 federally-funded election administration positions, a shared agency services pilot program would take away two key financial positions and shift information technology functions to the Department of Administration (DOA). He noted that DOA has failed to deliver other agency IT projects within budget or on time. In addition, the Governor’s budget did not provide requested funding in several critical areas, including IT support for the Ethics Division, Board Member per diems and meeting expenses, making the agency webmaster/public information officer position full time, and voter registration list maintenance.

Chief Administrative Officer Sharrie Hauge discussed specific problems related to the shared service agency pilot program related to human resources, payroll and procurement, especially given the DOA’s timetable for the launch of the STAR project. The finance, procurement and budget portions of the application are scheduled to be released this July, concurrent with the evaluation, planning and implementation of the HR, Payroll, and Time and Labor modules, which are scheduled to go live on January 1, 2016. The two financial positions serve as subject matter experts for both releases of this project, and without them, the implementation of this project at the agency level will be severely disrupted. She noted that the two financial specialists the agency would lose also have significant program responsibilities including federal audit compliance and administration of the Contract Sunshine website.

Elections Supervisor Ross Hein discussed specific problems related to the Governor’s plan to make all of the G.A.B.’s IT assets and liabilities those of the DOA. He described the G.A.B.’s reliance on technology and IT team’s role in effectively managing that technology. He noted problems working with DOA’s Division of Enterprise Technology (DET), including higher costs and less efficiency and accountability. The Elections Division is in the midst of modernizing the Statewide Voter Registration System (SVRS) which will completely

overhaul the existing system and make it more efficient, robust and user-friendly. This modernization project requires a great amount of institutional knowledge from both the business and IT sections of our operations, which has taken years to develop and cannot be picked up and absorbed easily or quickly. The new system is scheduled to launch at the end of the 2015 calendar year, and any structural IT change would certainly have an adverse effect on the overall project and projected timeline and cost.

Board Members and staff discussed the agency's successful practice of hiring and managing contract employees to maintain and develop IT resources, as well as past negative experiences using DOA to develop and manage IT projects. The Board discussed asking the Legislature for a two-year delay in the pilot program because of potential disruptions to current IT projects involving SVRS, and asking to keep one of the two financial specialists.

Board Members and staff discussed at length the content of a letter to the Joint Committee on Finance outlining the budget's impact on the agency. By consensus, Board Members agreed that they should all sign the letter.

Judge Lamelas called a recess at 3:50 p.m., and the Board reconvened at 3:59 p.m.

## **H. Statutory Duties Annotated**

Director Kennedy discussed the annotated list of the Board's statutory duties contained in a document starting on page 123 of the March 2015 Board Meeting Materials. The list supplements an earlier list of statutory duties provided to the Board by including which agency staff team is responsible for each duty. There is a separate list of which current staff members comprise each team.

Board Members and staff discussed the value of the list for showing the Legislature and the public what the Board and staff are doing, as well as setting priorities in the event the agency sustains budget cuts.

No Board action was taken.

## **I. Summary of 2014 Ethics & Accountability Division Campaign Finance and Lobbying Activity**

Mr. Becker presented a memorandum starting on page 152 of the March 2015 Board Meeting Materials, for information only.

## **J. Selection of U.S. EAC Standards Board Members**

Director Kennedy made an oral presentation based on a memorandum starting on page 165 of the March 2015 Board Meeting Materials regarding the appointment of representatives to the U.S. Election Assistance Commission (EAC) Standards Board. He noted that the Board has not had to make an appointment in many years because the EAC was inactive due to having a lack of a quorum of commissioners.

Director Kennedy introduced Sandi Wesolowski, the Franklin City Clerk, who was Wisconsin's original local election official selected to serve on the Standards Board in 2004. He recommended that Clerk Wesolowski and Elections Division Administrator Michael Haas serve as Standards Board representatives until new representatives can be selected to begin four-year terms beginning November 1, 2015. The memorandum describes the process for selecting new representatives.

**MOTION:** Approve the proposed process for selection of Wisconsin election official representatives to serve on the U.S. Election Assistance Commission Standards Board outlined in the memorandum, and direct staff to initiate its implementation. Moved by Judge Franke, seconded by Judge Nichol. Motion carried unanimously.

## **K. Delegation of Certain Authority to Director and General Counsel**

Director Kennedy made an oral presentation based on a memorandum starting on page 167 of the March 2015 Board Meeting Materials regarding the delegation of certain authority to the Director and General Counsel. At its January 2015 meeting, the Board approved the delegation of certain authority but had questions about Section 6 dealing with procurement and purchasing. The memorandum described in detail the different kinds of procurement and purchasing the agency does, and made recommendations about when the Director and General Counsel would consult with the Board Chair about purchases and when the full Board would become involved in those decisions.

Board Members and Director Kennedy discussed the recommendations. Judge Froehlich said that he wants advance notice before the Director signs a contract for outside services. Judge Lamelas discussed whether the Board wants a five-day notice before entering into a contract.

**MOTION:** Amend Section 6 of the Delegation of Certain Authority approved by the Board on January 13, 2015, to require the Director to receive:

- approval from Board Chair and provide five days' prior notice to the Board before entering into a sole source contract regardless of the dollar amount
- approval from Board for purchases from a statewide contract over \$100,000
- approval from Board prior to posting a Request for Proposal or Request for Bid, and to direct staff to provide quarterly expenditure reports to the Board.

Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried unanimously.

## **L. Legislative Status Report**

Ethics and Elections Specialist Brian Bell presented a status report on legislative activity affecting the Board.

Board Members and staff briefly discussed the report. Mr. Bell reported that the bill to allow the Legislative Audit Bureau access to confidential G.A.B. records has been passed.

**MOTION:** Adjourn until 9:00 a.m. Thursday, March 5. Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried unanimously.

The Board adjourned for the day at 4:50 p.m.

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Pursuant to public notice, the Board reconvened at 9:05 a.m. on Thursday, March 5 at the G.A.B. offices in Madison, Wisconsin.

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

Judge Froehlich joined the meeting at 9:15 a.m.

Staff Present: Kevin J. Kennedy, Jonathan Becker, Michael Haas, Ross Hein, Sharrie Hauge,  
Nathan Judnic, Reid Magney, Richard Bohringer and Diane Lowe

## **M. 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 174 of the March 2015 Board Meeting Materials.

### **Elections Division Report – election administration**

Written report from Division Administrator Haas and Division staff was included beginning on Page 178 of the March 2015 Board Meeting Materials.

Mr. Haas noted that the report included an update regarding the staff's continuing efforts related to ballot design and soliciting feedback from clerks and interested parties. He also informed the Board that Friday would be the last day for Office Operations Associate Michael Kukula, who is leaving the agency after two years of service for a similar position at the University of Wisconsin. Judge Lamelas asked Mr. Haas to convey the Board's thanks to Mr. Kukula for his service.

### **Office of General Counsel Report – general administration**

Written report from Kevin J. Kennedy, Sharrie Hauge and Reid Magney was included beginning on Page 202 of the March 2015 Board Meeting Materials.

**MOTION:** Accept written staff reports. Moved by Judge Vocke. Motion was not seconded.

Judge Franke asked about information in the Ethics Division Report regarding late campaign finance reports. Staff provided information about filing deadlines for Spring elections and penalties for late filing.

Discussion of the campaign finance settlement schedule continued. Mr. Becker said there was no rush to send out letters to late committees, and that could be done after the Board meets later in the month to discuss the proposed settlement schedule.

Director Kennedy discussed a change to the format of Board's open session meeting minutes to include a high-level summary of items the Board considered in closed session. Such summaries had been past practice, but fell by the wayside in 2011 during the recalls.

Director Kennedy asked the Board to reschedule 2015 meetings originally set for April 15 and June 23 due to scheduling conflicts. By consensus, the Board agreed to schedule the following meetings:

- Wednesday, March 25 at 3:00 p.m. – Teleconference meeting to discuss revised settlement schedule.
- Friday, April 10 at 9:00 a.m. – Teleconference on LAB Audit response
- Wednesday, April 29 at 9:00 a.m. – Regular meeting replacing meeting originally scheduled April 15.
- Thursday, June 18 at 9:00 a.m. – Regular meeting replacing meeting originally scheduled June 24.

Judge Vocke asked that an agenda item to approve per diems be placed on the next meeting agenda.

Judge Franke asked several questions about ballot templates provided on pages 192 to 199 of the March 2015 Board Meeting Materials, and whether clerks are using them. Lead Elections Specialist Diane Lowe entered the meeting and reported that staff has received no comments from clerks about the ballots, but based on proofs the staff has seen it appears they are using the template format.

Judge Barland raised the issue of an email from Ardis Cerny of Pewaukee, which was distributed to Board Members that morning. Judge Barland said he was disturbed by Ms. Cerny's statements that she has been privy to clear voter violations, but added that he has no recollection of her ever referring to these alleged incidents.

Board Members and staff discussed Ms. Cerny's email, and agreed that she should be encouraged to contact law enforcement if she witnesses illegal activity. Judge Vocke noted that in the past Ms. Cerny's complaints about illegal activity have been investigated and found to be factually in error. Director Kennedy said staff will draft a letter responding to the questions in her email regarding Help America Vote Act requirements for data matching with DMV records.

## **N. 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 Barland.

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

Motion carried unanimously. The Board recessed at 9:54 a.m. and reconvened in closed session at 10:00 a.m. The Board adjourned in closed session at 3:24 p.m.

**Summary of Significant Actions Taken in Closed Session:**

- A. Complaints: Four matters considered; one matter referred, one matter dismissed.
- B. Advice: One matter considered.
- C. Personnel: Two matters considered.
- D. Litigation: Five pending matters considered.

The next regular meeting of the Government Accountability Board is scheduled for Wednesday, April 29, 2015, at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor, Madison, Wisconsin beginning at 9:00 a.m.

March 4-5, 2015 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

March 10, 2015

March 4-5, 2015 Government Accountability Board meeting minutes certified by:

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Judge Thomas Barland, Board Secretary

April 29, 2015

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
March 13, 2015  
9:00 a.m.

### Open Session Minutes

Present: Judge Gerald Nichol, Judge Elsa Lamelas, Judge John Franke,  
Judge Harold Froehlich and Judge Timothy Vocke (all by telephone)

Absent: Judge Thomas H. Barland

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Nathan Judnic, Sharrie Hauge,  
and Reid Magney

#### **A. Call to Order**

Judge Nichol called the meeting to order at 9:09 a.m.

#### **B. Director's Report of Appropriate Meeting Notice**

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

#### **C. Per Diem Payment**

**MOTION:** Approve one per diem for preparation for the meeting of March 4 and 5, 2015. Moved by Judge Vocke, seconded by Judge Lamelas. Motion carried unanimously.

**MOTION:** Approve one-half per diem for the March 13, 2015 meeting. Moved by Judge Froehlich, seconded by Judge Vocke. Motion failed.

#### **D. Director's Report**

Director Kennedy asked Board Members whether they still wished to meet on March 25 to discuss the revised settlement schedule for penalties, given that another special meeting is scheduled for April 10. By consensus, the Board agreed to keep the meeting on the calendar

until they receive the staff’s revisions to the settlement schedule and determine whether it will need more work.

**E. Closed Session**

Adjourn to closed session as required by statutes to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; to confer with counsel concerning pending litigation; and to consider performance evaluation data of a public employee over which it exercises responsibility.

**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 deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation, and to consider employment, promotion and performance evaluation data of a public employee of the Board.

Moved by Judge Vocke, seconded by Judge Franke.

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

Motion carried. The Board convened in closed session at 9:15 a.m.

**F. Adjourn**

The Board adjourned in closed session at 10:15 a.m.

**Summary of Significant Actions Taken in Closed Session:**

Litigation: One pending matter considered.

####

The next regular meeting of the Government Accountability Board is scheduled for Wednesday, April 29, 2015, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m. The Board will hold teleconference meetings on Wednesday, March 25, 2015 beginning at 3:00 p.m. and Friday, April 10, 2015 beginning at 9:00 a.m.

March 13, 2015 Government Accountability Board meeting minutes prepared by:

\_\_\_\_\_  
Reid Magney, Public Information Officer

March 13, 2015

March 13, 2015 Government Accountability Board meeting minutes certified by:

\_\_\_\_\_  
Judge Thomas Barland, Board Secretary

April 29, 2015



# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
March 18, 2015  
4:00 p.m.

### Open Session Minutes

Present: Judge Gerald Nichol, Judge Elsa Lamelas, Judge John Franke,  
Judge Harold Froehlich and Judge Timothy Vocke (all by telephone)

Absent: Judge Thomas H. Barland

Staff present: Kevin Kennedy, Nathan Judnic, Matthew Giesfeldt and Reid Magney

#### **A. Call to Order**

Judge Nichol called the meeting to order at 4:02 p.m.

#### **B. Director's Report of Appropriate Meeting Notice**

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting, including that the meeting was noticed with less than 24 hours posting because of the impracticality to comply and to enable the Board to timely confer with legal counsel concerning litigation strategy.

#### **C. Closed Session**

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation, and to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees.

**MOTION:** Move to closed session pursuant to §§ 19.85(1)(g) and 19.851 to confer with counsel concerning pending litigation and deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law. Moved by Judge Lamelas, seconded by Judge Vocke.

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

Motion carried. The Board convened in closed session at 4:04 p.m.

## D. Adjourn

The Board adjourned in closed session at 5:06 p.m.

### Summary of Significant Actions Taken in Closed Session:

Litigation: One pending matter considered.

####

The next regular meeting of the Government Accountability Board is scheduled for Wednesday, April 29, 2015, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9 a.m. The Board will hold teleconference meetings on Wednesday, March 25, 2015 beginning at 3:00 p.m. and Friday, April 10, 2015 beginning at 9:00 a.m.

March 18, 2015 Government Accountability Board meeting minutes prepared by:

\_\_\_\_\_  
Reid Magney, Public Information Officer

March 19, 2015

March 19, 2015 Government Accountability Board meeting minutes certified by:

\_\_\_\_\_  
Judge Thomas Barland, Board Secretary

April 29, 2015

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
March 25, 2015  
3:00 p.m.

### Open Session Minutes

Present: Judge Gerald Nichol, Judge Elsa Lamelas, Judge John Franke,  
Judge Harold Froehlich and Judge Timothy Vocke (all by telephone)

Absent: Judge Thomas H. Barland

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Nathan Judnic,  
Matthew Giesfeldt, Richard Bohringer, Adam Harvell and Reid Magney

### **A. Call to Order**

Judge Nichol called the meeting to order at 3:02 p.m.

### **B. Director's Report of Appropriate Meeting Notice**

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

### **C. Review of Proposed Campaign Finance Settlement Offer Schedule**

Ethics & Accountability Division Administrator Jonathan Becker made an oral presentation based on a written report beginning on page 2 of the March 25 Special Board Meeting materials. He reviewed the staff's efforts since the March 4 Board Meeting to revise the settlement offer schedule to make it more understandable and simple, as the Board requested. He discussed the schedule's importance as a tool for staff to use in gaining compliance with filing requirements.

Board Members and staff discussed details of the proposed settlement offer schedule, as well as staff's efforts to create a central database to track penalties, which will generate reports for the Board. They discussed the differences in penalties for late filing of pre-election reports, which are more time-sensitive than continuing reports.

Board Members and staff discussed the issue of whether judicial candidates who do not have a Spring Primary would have the same filing requirements as judicial candidates who do have primaries. A change in statutes would be required to exempt candidates from filing pre-primary reports if they are not on the ballot, but the proposed schedule states that whether a candidate is on the ballot for an election would be a mitigating factor in determining whether there would be a penalty for late filing.

Judge Lamelas suggested adding language to the schedule indicating that it does not apply to violations that are or appear to be intentional. Mr. Becker stated that the schedule is not intended to apply to intentional violations, but those due to oversight or inattentiveness to the law. Any evidence of an intentional violation would automatically be brought to the Board's attention. He said staff would add language at the end of the first paragraph indicating that if there appears to be evidence of an intentional violation, it would be brought to the Board for further discussion and additional action if necessary.

The Board and staff discussed the section of the schedule related to incomplete contribution information. After discussion, Mr. Becker said staff would remove the last sentence, "No forfeiture will be sought if 10 or fewer contributions have incomplete information."

The Board and staff discussed how often the settlement schedule is used, as well as the inadequacies of the schedule previously approved by the Board in 2008. Board and staff also discussed posting the settlement schedule on the agency website to provide notice and information to the interested parties and the public.

**MOTION:** Approve the schedule for treatment of campaign violations, including amendments adding a sentence about intentional violations, removing the sentence about incomplete information and adding a missing statutory citation, as of March 15, 2015, and direct staff to follow these procedures. Direct staff to post the schedule on the Board's website. Moved by Judge Vocke, seconded by Judge Franke. Motion carried unanimously.

## **D. Director's Report**

Director Kennedy updated the Board on the status of the agency's budget request, and reported that it appears the Department of Administration is now recommending a delay in starting the shared services agency pilot program for one year, as well as providing that the Secretary of DOA may waive participation for agencies. He said the agency management team is still concerned about the eventual loss of two valuable employees, but the one year delay would provide time to make the case for keeping the positions.

## **E. Closed Session**

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation and to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees, as well as to

consider performance evaluation data of a public employee over which it exercises responsibility.

**MOTION:** Move to closed session pursuant to §§ 19.85(1)(g), 19.851 and 19.85(1)(c) to confer with counsel concerning pending litigation and deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law, as well as to consider performance evaluation data of a public employee over which it exercises responsibility. Moved by Judge Vocke, seconded by Judge Lamelas.

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

Motion carried. The Board convened in closed session at 3:46 p.m.

## F. Adjourn

The Board adjourned in closed session at 4:09 p.m.

### Summary of Significant Actions Taken in Closed Session:

Litigation: Two pending matters considered.

####

The next meeting of the Government Accountability Board is a teleconference meeting scheduled for Friday, April 10, 2015, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m.

March 25, 2015 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

March 30, 2015

March 25, 2015 Government Accountability Board meeting minutes certified by:

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Judge Thomas Barland, Board Secretary

April 29, 2015



# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
April 10, 2015  
9:00 a.m.

### Open Session Minutes

Present: Judge Gerald Nichol, Judge Elsa Lamelas, Judge Thomas H. Barland, Judge John Franke, Judge Harold Froehlich and Judge Timothy Vocke (all by telephone)

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Nathan Judnic, Matthew Giesfeldt, Sharrie Hauge, Juanita Borton, Mai Chou Thao, Ann Oberle, Sarah Whitt, Peter James and Reid Magney

#### **A. Call to Order**

Judge Nichol called the meeting to order at 9:00 a.m.

#### **B. Director's Report of Appropriate Meeting Notice**

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

#### **C. Review of Draft Report to Joint Legislative Audit Committee on Compliance with LAB Recommendations**

Judge Nichol asked staff to go through the draft report to LAB section by section.

Elections Division Administrator Michael Haas made an oral presentation based on Section 1 of the draft report starting on page 3 of the April 10 Meeting Materials. These recommendations deal with maintenance of the Statewide Voter Registration System (SVRS), and that LAB is recommending two procedures that are not required by statutes.

Board Members and staff discussed recommendations 3 and 8 at length. The consensus of the Board was to more clearly state that the Board would not initiate the tasks required to implement these recommendations without a legislative directive and funding. The report should describe the estimated costs of carrying out the recommendation.

The Board and staff briefly discussed recommendation 9, which relates to clerk follow-up related to two voter records.

Mr. Haas discussed recommendation 5, regarding 88 deceased individuals and whether votes were cast inappropriately in their names during fiscal year 2012-2013 elections. Board Members and staff also discussed recommendation 6 that the G.A.B. conduct a post-election audit comparing death records with voter participation records, and the differences between such an effort and the statutorily-required post-election felon audit. Judge Franke suggested summarizing the annual costs to the agency in the report's fiscal estimates using tables. The Board agreed by consensus.

Regarding recommendations 11, 12, and 13, Mr. Haas reported that the G.A.B. has made significant improvements in the post-election felon audit. The agency has developed and implemented an IT dashboard to communicate with and transfer information between the Department of Corrections, G.A.B. staff, and municipal clerks. G.A.B. staff has also worked closely with DOC staff to improve the accuracy of the record matching process. These improvements have made the process more efficient and accurate, resulting in referrals that are likely to receive more timely attention from district attorneys.

Ethics and Accountability Division Administrator Jonathan Becker reviewed the recommendations for the Division. He discussed the recommendations in Section 2a, addressing settlement offer schedules. Mr. Becker then reviewed the recommendations in Section 2b of the report, addressing the tracking and reporting of enforcement actions. He reported on Section 2c, addressing the posting of ethics advice online, which has been completed. Finally, he reported on staff's efforts to comply with LAB recommendations addressing lobbying enforcement, contained in Section 2d of the report.

Director Kennedy discussed Section 3 of the report, addressing administrative rules. He reported that new Staff Counsel Matthew Giesfeldt has quickly immersed himself in the process of promulgating rules required by the statutes. Staff disagrees with LAB's recommendations for promulgation of two rules – the form of signature on the poll book and free time for candidates on cable TV access channels. He said the statutes are very clear on poll book signatures and promulgating a rule would be redundant. Regarding the issue of regulating public access television stations, he asked the Board's authorization to request an opinion from the Attorney General on whether the Board has the authority to promulgate the rule given the likelihood that it is beyond the Board's jurisdiction.

Judge Franke asked about recommendation 49 on page 15 of the report addressing the removal of administrative rules that the G.A.B. did not readopt. He said the Board should just remove them. Director Kennedy said staff would continue their discussions with the Legislative Reference Bureau about the proper procedure for removing them from the Code.

Mr. Haas introduced Section 4 of the report addressing complaints. Mr. Becker said that at each meeting, the Board will receive a report on Elections Division complaints in the open session and the Ethics Division complaints in closed session.

Director Kennedy said staff will make changes to the full report as directed by the Board. He described staff's approach to finalize the report and deliver it to the Joint Committee on Legislative Audit on Wednesday, April 15. He proposed the addition of an index to the recommendations that shows the page number in the LAB report, the page number in the Board's report to the Legislature and the status of the recommendations.

#### **D. Administrative Rules**

Staff Counsel Matthew Giesfeldt made an oral presentation based on a written report starting on page 65 of the April 10 Meeting Materials regarding steps to promulgate emergency and permanent administrative rules for technical college IDs to be used as photo identification for voting. Staff is moving quickly because special elections at which photo ID rules will be in effect are scheduled for May 19 and June 16, 2015. The scope statement was submitted to the Governor's office on March 31, 2015, and the Governor approved it April 3. The scope statement has now been submitted to the Legislative Reference Bureau for publication. He asked the Board to approve a process for moving forward after the scope statement has been published, consistent with the promulgation process. Staff recommends the Board approve the scope statement at its April 29 meeting and delegate to the Board Chair and the Director the power to review and approve the language of the proposed emergency rule. The language would be substantively to the same as the language which the Board had approved in 2012.

**MOTION:** Direct staff to schedule approval of the scope statement for GAB Ch. 10 for the Board's meeting April 29, 2015, and delegate to the Board Chair and the Director and General Counsel the authority to review and potentially approve the language of the rule to alleviate the need for a special Board meeting. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

#### **E. Per Diem Payment**

**MOTION:** Approve one-half day per diem payments for each of the three special meetings on March 18, March 25 and April 10, 2015, with no per diem for preparation time. Moved by Judge Froehlich, seconded by Judge Franke. Motion carried unanimously.

Judge Barland noted his absence from the March 18 and March 25 meetings.

#### **F. Director's Report**

Director Kennedy reported that the Joint Committee on Finance will start voting next week on the budget. A vote on the G.A.B.'s budget has not been scheduled, but Director Kennedy is continuing to meet this week with committee members.

## G. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation and to consider performance evaluation data of a public employee over which it exercises responsibility.

**MOTION:** Move to closed session pursuant to §§ 19.85(1)(g), 19.851 and 19.85(1)(c) to confer with counsel concerning pending litigation and to consider performance evaluation data of a public employee over which it exercises responsibility. Moved by Judge Vocke, seconded by Judge Lamelas.

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

Motion carried. The Board convened in closed session at 10:46 a.m.

Judge Vocke left the meeting and did not participate in the closed session.

## H. Adjourn

The Board adjourned in closed session at 11:26 a.m.

### Summary of Significant Actions Taken in Closed Session:

Litigation: One pending matter considered.

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The next regular meeting of the Government Accountability Board is scheduled for Wednesday, April 29, 2015, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9 a.m.

April 10, 2015 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

April 14, 2015

April 10, 2015 Government Accountability Board meeting minutes certified by:

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Judge Thomas Barland, Board Secretary

April 29, 2015

# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Michael Haas, Elections Division Administrator

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

**SUBJECT:** Potential Changes to Wisconsin Elections Statutes

### 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 directed staff to communicate concerns of county and municipal clerks to the Legislature. 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. The Board also adopted a legislative agenda for each of its divisions in the past. Within the last year, the Board recommended statutory changes related to campaign finance, lobbying, and the code of ethics for public officials, and communicated those suggestions to the Wisconsin Legislature.

The Board has suggested or endorsed legislative changes to promote enacting best practices and implementing policies consistent with the Board's mission to administer and enforce ethics, lobbying, campaign finance, and elections laws, to enhance representative democracy, and ensure the integrity of the electoral process in Wisconsin.

### Introduction

Staff members compiled recommended changes to current laws identified by members of the State Legislature, municipal and county clerks, and the public through either contacts with staff or comments made at Board meetings. Staff also conducted a detailed review and analysis of current statutes, administrative code, and Board policies in order to identify potential changes that may improve efficiency, cost-effectiveness, public comprehension, and general policy administration. The recommended changes below are those which staff believes would improve administrative processes, provide clarity or simplification to existing policies and procedures, or update policies to reflect modern practices.

Staff organized recommendations into four different categories. *Major Policy Initiatives* are those that staff suggests that the Board highly recommend because they would likely significantly improve election administration and have a substantially positive impact on those affected by the policy, or policies for which the Board has demonstrated strong support. *Minor Policy Initiatives* include the changes that would improve election administration and represent minimal policy decisions, such as improving efficiency or providing clarity. *Technical Changes* are recommendations that address issues of inconsistency in the laws or drafting oversights. *Legislative Policy Decisions* include potential changes that staff believes the Board may wish to simply inform the Legislature of, but that would require clarification of legislative intent.

## MAJOR POLICY INITIATIVES

### Chapter 6

1. The Legislature should enact legislation that would allow online voter registration in Wisconsin. The Wisconsin County Clerks Association's 2015 Legislative Objectives include the implementation of online voter registration.

#### *Background*

Online voter registration (OVR) is a process by which eligible voters can initiate a new voter application or update their existing registration through electronic, paperless means. The voter must provide all of the information required for a voter registration application on a paper form. The OVR system then compares this information against data from the state's division of motor vehicles records to validate the person's name, address, ID number (driver license, state-issued ID, or social security number) and date of birth. Twenty-eight states have enacted some form of OVR.<sup>1</sup> In addition to a majority of states already enacting OVR, OVR is also a bipartisan initiative as both Republican and Democratic Legislatures have enacted OVR. The Board has previously endorsed the implementation of online voter registration.

#### *Costs and Benefits*

In 2013, a team of graduate students from the University of Wisconsin's La Follette School of Public Affairs conducted a cost-benefit analysis (CBA) comparing the current voter registration system to implementing OVR. Their report estimated virtual certainty of a net benefit ranging between about \$372,000 and \$1 million, depending on the costs associated with a public outreach campaign to promote the use of OVR. The effectiveness of a public outreach effort was not calculated. The complete CBA report is available on the G.A.B. website.<sup>2</sup>

#### *Costs*

Initial implementation costs to update both G.A.B. and DOT infrastructure would cost an estimated \$608,000. Ongoing costs to maintain the system and provide support would cost an estimated \$96,000 annually. A public outreach effort comparable to the implementation of voter photo ID would cost an estimated \$638,000. An estimate of the effectiveness of public

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<sup>1</sup> <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>, New Mexico also recently enacted OVR.

<sup>2</sup> [http://gab.wi.gov/publications/other/CBA\\_projects](http://gab.wi.gov/publications/other/CBA_projects).

outreach efforts resulting in OVR applications is not currently available. Any public outreach campaign should strive to leverage the most effective means of encouraging OVR, as increased usage of OVR directly correlates to increased savings.

### *Benefits*

According to the 2013 CBA, local jurisdictions would realize approximately 70 percent of the benefit from OVR. Clerks would likely experience savings from reductions in clerk and poll worker labor, and savings from processing electronic versus paper registration forms. Arizona, the first state to implement OVR, reported that it cost \$0.83 to process a paper registration and just \$0.03 for an online registration. This would also reduce the potential for data entry errors by clerks and their staff, as well as potentially reduce the need for municipalities to hire temporary staff to process voter registration applications.

Voters would likely realize nearly 30 percent of the benefit from implementing OVR. The vast majority of Wisconsinites already conduct extensive business online, and they have come to expect that opportunity. Getting voters to provide or update their information would likely result in improved data quality, and updating records in a timelier manner. Voters would also save time and money by not having to mail in a paper form, go to a clerk's office to register, wait in line to register at their polling place, or address errors in processing their paper voter registration application. The state would also benefit from improved data quality for both G.A.B. and DOT, though the value of such benefits may be difficult to quantify.

2. The Legislature should enact legislation that would allow the State of Wisconsin to participate in the Election Registration Information Center (ERIC).

### *Background*

ERIC is a non-profit corporation governed by a board of directors made up of member states.<sup>3</sup> The purpose of ERIC is to keep voter registration rolls updated ahead of election and to shift away from inefficient spikes in registration activity that could potentially result in data quality issues and increased costs to local jurisdictions. There are currently 12 members – 11 states and the District of Columbia.<sup>4</sup> The first 15 states to join ERIC also become members of the Board of Directors. After more than 15 states join ERIC, the bylaws provide for a rotation of membership on the Board of Directors.

### *Data Exchange Process*

Each member state submits a copy of its voter registration and motor vehicle licensee data, including names, addresses, dates of birth, and the last four digits of social security numbers. ERIC compares this data with information from other member states and other data sources including the Social Security Administration death index and the US Postal Service's National Change of Address (NCOA) registry.

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<sup>3</sup><http://www.ericstates.org/>

<sup>4</sup>Member states include Colorado, Connecticut, Delaware, Louisiana, Maryland, Minnesota, Nevada, Oregon, Utah, Virginia, and Washington.

In return, member states receive reports that indicate voters who have moved within the state, moved out of state, voters who have died, and potentially eligible voters who have not yet registered. Member states are required to reach out to potential voters at least once every two years prior to federal general elections. ERIC utilizes advanced security measures to protect personally identifiable information. Additional information about ERIC's technology and security is available on their website.<sup>5</sup>

### *Costs*

Each member state must pay a one-time fee of \$25,000 to join ERIC. Each member state then pays annual dues. ERIC's board of directors approves the formula for calculating those due, which includes voting age population as a factor. The Executive Director of ERIC, John Lindback, provided an estimate of Wisconsin's annual dues based on Montana, West Virginia, and Illinois planning to join soon, and ERIC estimated annual budget next year of about \$560,000. He estimated Wisconsin's annual dues to be between \$40,000 and \$45,000. These dues are likely to remain the same or decrease slightly, as additional states join ERIC. In addition to annual membership dues, joining ERIC would require potential enhancements to state IT systems and biannual mailings to potentially unregistered eligible voters.

### *Benefits*

Member states report savings derived from more efficient and effective data matching and cleaner voter rolls. This savings come from less mail returned as undeliverable, streamlined voter list maintenance, and data that are more accurate. As of March 26, 2015, ERIC has identified nearly 374,000 cross-state movers, nearly two million in-state movers, and approximately 90,000 deceased voters. The Pew Center for the States is also offering a grant to new states that join ERIC to defer some costs associated with initial outreach to unregistered voters. Online voter registration could also magnify the potential savings for the state and local jurisdictions. Wisconsin could realize significant savings by joining ERIC in lieu of independently paying for access to NCOA and other databases to conduct voter registration list maintenance.

## **MINOR POLICY INITIATIVES**

### Chapter 5

3. §§5.06(5) and (6). These provisions allow the G.A.B. to issue an order to ensure compliance with election laws. The Legislature could revise these provisions in order to authorize the G.A.B. to issue a temporary order while a complaint investigation is ongoing. Occasionally Board staff must direct a local election official to stay any action until the completion of a review investigation, such as when the question is whether to schedule a recall election or whether a candidate has qualified for ballot access. Current statutes allow the issuance of an order only after the filing of a complaint, upon a motion of the board, or completion of an investigation. The Legislature could also revise the provision related to delegation of authority in §5.05(1) (e) in order to accommodate the issuance of such orders.

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<sup>5</sup>[http://www.ericstates.org/images/documents/ERIC\\_Tech\\_and\\_Security\\_Brief\\_v2.1.pdf](http://www.ericstates.org/images/documents/ERIC_Tech_and_Security_Brief_v2.1.pdf).

4. §5.06(10). The Legislature could considering clarifying this provision to affirm that the G.A.B. has the authority to issue orders regarding the conduct of election officials during the recount process without the filing of a formal complaint, except that the Board may not review the recount result or substantive decisions of the recount board other than to enforce standards. The authority to issue orders related to the conduct of recounts would permit Board staff to resolve procedural questions or conflicts in the midst of a recount more definitively, such as those related to candidate and observer rights, or the review and processing of election materials. These are procedures the Legislature directed the agency to develop as part of the recount process. Wis. Stat. §9.01(10)
5. *Chapter 5 Subchapter 2 – Ballot Form.* This subchapter of the statutes provides the requirements for ballot form and contains several provisions that have proven to be problematic, confusing, or outdated. Some examples include, but are not limited to, allowing the color-coding of ballots when multiple ballot styles are in use in a polling place, and clarifying requirements for the weight of paper used for ballots. The Legislature could consider revising this subchapter in order to improve comprehension, usability, and reflect best practices in use in other states.
6. *Chapter 5 Subchapter III - Voting Equipment Statutes.* This subchapter of the statutes refers to antiquated technologies such as voting equipment that utilizes levers or punch cards. The Legislature could revise this subchapter to reflect the rapidly changing technological landscape of voting equipment. There are also references to voting equipment in *Wis. Stat. §§5.37 and 5.40*. The Legislature should consider revising this subchapter to reflect the electronic voting equipment currently in use throughout the State of Wisconsin, as well as the potential use of new technologies in the future.
7. §5.72. This provision requires clerks to provide a ballot sample to G.A.B. staff three weeks before any election for review. This conflicts with the 48-day deadline for ballots to be available for state and federal elections. The legislature could address this by changing the deadline to “as soon as candidates are certified” instead. The Legislature could also consider making G.A.B. review of ballots voluntary, but still allow the G.A.B. to compel compliance with the ballot form statutes, if necessary.
8. §5.84(1). This provision specifies when municipalities can conduct public tests of voting equipment prior to each election. The Legislature could clarify this deadline stating the testing must occur within 15 calendar days of the election. The current requirement is within 10 days and the ambiguity of business versus calendar days is problematic. Several larger municipalities require multiple days to test their equipment and the 15 calendar days would grant them more flexibility. This provision also requires public notice of voting equipment testing via publication in a newspaper within the municipality or a newspaper of general circulation therein. Publishing in a general circulation newspaper, or even a municipal newspaper, may require significant costs to municipalities. The Legislature could revise this provision to require municipalities to provide the notice of the public test by the same means as other election notices under *Wis. Stat. §§ 10.04 & 10.05*.

## Chapter 6

9. §6.02. This provision outlines the general qualifications to vote. The Legislature could clarify that for voter registration, a person turns 18 on the anniversary of their date of birth. This

addresses the common sense versus common law issue previously addressed by the Board, deciding that a person turns 18 on the anniversary of their date of birth.

10. §6.22(2)(c). This provision addresses the use of the Federal Postcard Application (FPCA) for military voters to request an absentee ballot. The Legislature could modify this provision to cover all military absentee ballot requests and the information required. This could help ensure that military voters receive their absentee ballot as soon as possible by ensuring the clerk receives all of the necessary information to issue them the proper ballot.
11. §6.24. This provision provides that permanent overseas voters obtain the signature of a US citizen witness when returning their absentee ballot. The Board previously recommended retaining the witness signature, but removing the requirement that the witness be a US citizen. According to a 2012 study by the PEW Center for the States, only four states required any sort of witness signature for military and overseas absentee ballots (Alabama, Alaska, Virginia, and Wisconsin). Approximately 10 states require a witness for regular absentee voters.
12. §6.25(1)(c). This provision allows a military elector to use a Federal Write-In Absentee Ballot (FWAB) as a request for an official absentee ballot, and counting the FWAB only if the voter does not return the official ballot in time. The Legislature could modify this provision to allow permanent overseas voters to use a FWAB as well for an official absentee ballot application in order to establish a more consistent policy for all UOCAVA voters.
13. §6.29(2)(b). This provision requires issuing a certificate of registration to a person registering during the late registration period. Voters are then required to bring that certificate to their polling place if they choose to vote there. The Legislature could consider exempting clerks from having to issue registration certificates if the voter chooses to vote absentee in the clerk's office or designated in-person absentee location on the same day as registering to vote.
14. §6.30(4). This provision requires that municipalities make available a voter registration form and that "the form shall be pre-postpaid for return when mailed at any point within the United States." However, in practice, most municipalities simply make available copies of the form that is on the G.A.B. website. The Legislature could eliminate the prepostpaid requirement, which would result in savings to municipalities that do make such forms available. This provision would also be unnecessary if the Legislature enacts online registration.
15. §6.32(4). This provision requires a municipal clerk to send an address verification mailing to a voter who registers by mail or via Special Registration Deputy. In practice, the G.A.B. sends these mailings on behalf of municipalities. This facilitates consistent compliance and leverages State purchasing power. During the 2013-2014 Legislative Session, the Wisconsin Legislature enacted 2013 Wisconsin Act 149, specifically authorizing the G.A.B. to send out the Election Day Registrant address verification mailings. The Legislature could revise this provision to authorize the G.A.B. to send out all other address verification mailings on behalf of municipalities.
16. §6.34(3). This provision outlines the types of acceptable documents for proof of residence (POR) for the purpose of voter registration. The Legislature could specifically authorize electronic proof of residence to be consistent with current practices and Board policy, as well as clarify the types of authorized POR to include other modern and common types of

documents such as a cellphone bill, or internet service bill, or document from a financial institution. Other areas of Wisconsin Statutes authorize providing documents electronically.

17. §6.40. This provision allows a voter to transfer their registration after a change of residence within the state. The Legislature could eliminate allowing voter initiated transfers and require the voter to re-register and provide POR for consistent practices.
18. §§6.86(1)(b). This provision addresses deadlines for requesting an absentee ballot by email or fax. The Legislature could consider revising these deadlines by changing the deadline for military and indefinitely confined voters, as well as calendar-year requests, to 5 pm on the Thursday prior to Election Day in order to make all request deadlines consistent.
19. §6.86(2)(b). This provision requires a clerk to send a 30-day notice to indefinitely confined voters that do not return their absentee ballot in order to stay on the “permanent absentee” voter list. However, there is not sufficient time between primaries and elections to do so. The Legislature could consider revising this section to only apply to elections and exclude primaries.
20. §6.87(3)(d). This provision allows military and permanent overseas voters to receive their absentee ballot electronically (email, fax, or through the My Vote Wisconsin Website – essentially a form of email). The Legislature could consider revising this provision to allow temporary overseas voters to receive their ballot electronically in order to increase the opportunity for those voters to receive and return their ballot in a timely manner.
21. §6.875. This provision covers absentee voting procedures involving Special Voting Deputies (SVDs). This section does not specify whether a municipal clerk must issue a 30-day notice to renew their absentee ballot request as an indefinitely confined voter if the voter declines to vote via SVD. The Legislature could clarify this section by stating that the voter may decline to receive their ballot on a form prescribed by the Board, as well as indicate if they wish to remain on the list of indefinitely confined voters (“permanent absentees”). This is current practice and is included in the Board’s SVD manual.

## Chapter 7

22. §§7.08(4) and (5). These provisions require that the G.A.B. publish and distribute copies of Wisconsin election laws and district maps. This information is readily available on both the G.A.B. and Wisconsin Legislature websites. The Legislature could repeal these provisions to reflect modern practices.
23. §§7.30(2)(c) and 7.31(1). These provisions state that an election inspector may be required to pass an exam, but that a chief election inspector may not be required to pass an exam. These provisions present an inconsistency between the levels of responsibility and the requirement to hold the position. The Legislature could consider striking *these requirements shall not include taking an examination* from §7.31(1) for consistency. Several current training opportunities provided by G.A.B. staff include a “self-correcting” test that instead of being pass/fail, guides the participant to the correct answer as a means of educating the election officials.
24. §§7.50(2)(em), 8.21, and 11.05 (2g). These provisions relate to the registration requirements and counting of votes for write-in candidates. Currently, a candidate may be considered a

registered write-in candidate if the appropriate documents are filed prior to the close of the polling place on Election Day. The Clerk Concerns Task Force recommended establishing a deadline for registering as a write-in of 5:00 p.m. on the Friday before the election. The Wisconsin County Clerks Association's 2015 Legislative Objectives recommend establishing a deadline of no later than the Thursday prior to the election. Staff suggest supporting the establishment of a deadline, but leaving it to the Legislature to establish that deadline.

25. §7.515(6). This provision requires a municipal clerk to reconvene their municipal board of canvassers (MBOC), regardless of whether or not they receive any outstanding ballots between the close of the polling place and 4:00 p.m. on the Friday after the election. The Legislature could revise this provision by allowing a municipal clerk to certify having no returned absentees or provisional ballots on the Friday after the election, instead of reconvening the municipal board of canvassers. This would help municipalities save the cost of having to reconvene their MBOC. The Wisconsin County Clerks Association's 2015 Legislative Objective includes this recommendation. Both 2015 Assembly Bill 164 and 2015 Senate Bill 121 include this change.
26. §7.53(2)(a). This provision states that in municipalities with multiple polling places, the municipal board of canvassers (MBOC) consists of the municipal clerk and two other qualified electors of the municipality. If the clerk's office is vacant or the clerk cannot serve on the MBOC, the municipal executive can appoint a qualified elector to serve in the clerk's place. In practice, when the clerk is not a municipal resident, they are still likely to be present to assist the MBOC. Having the clerk present is also a best practice. The Legislature could address this by striking the word *other* from the phrase *shall be composed of the municipal clerk and 2 other qualified electors of the municipality appointed by the clerk*.
27. §7.60(5)(a). This provision requires county clerks to submit to the G.A.B. a certified copy of each county board of canvass statement. In current practice, county clerks use the G.A.B.'s Canvass Reporting System (CRS) to generate those statements using their secure login credentials, and then fax a signed copy of that report to the G.A.B. The Legislature could modernize this provision by adding the language *in the manner prescribed by the board after the county clerk shall deliver or transmit*, or consider replacing the word *certified* with *electronically signed*. In 2014, the Legislature made a similar change, allowing political committees to sign their campaign finance reports electronically when certifying that information to the G.A.B.

## Chapter 8

28. §§8.10(5), 8.15(4)(b), and 8.20(6). These provisions outline the filing requirements for candidates, including their declaration of candidacy, nomination papers, and statement of economic interest (SEI). Under current statutes, candidates file their registration statement and nomination papers no later than a certain date. However, candidates are not required to file their SEI until the third day after the deadline for the other documents, by 4:30 p.m. The Legislature could consider changing the deadline to file an SEI to match filing of declaration of candidacy and nomination papers. This would provide a consistent deadline that could improve administrative efficiency and public awareness of candidates that will appear on the ballot. Staff recommends moving the deadline to file the SEI to match the 5:00 p.m. deadline on the day that the declaration of candidacy and nomination papers is due. The counterpoint to this policy change would make several arguments. The later deadline provides an "escape

valve” where candidates no longer wishing to appear on the ballot could simply not file their SEI. The later deadline also allows the candidate additional time to gather the required financial information, though they have already had considerable time to gather nomination signatures. Finally, if nomination paper review results in an insignificant number of signatures, the unsuccessful candidate’s SEI information would not be a matter of public record. However, staff believes that a consistent deadline would improve administration and better inform the public of candidates who achieve ballot status.

29. §§8.15(1) and 10.06(1)(h). These provisions establish the deadline for determining ballot arrangement for the Partisan Primary. The Legislature could revise these provisions in order to allow additional time for the review of nominations papers and challenges. Staff suggests changing the first day to circulate nomination papers from April 15 to April 10, which would keep the first day to circulate nomination papers still after the spring election, and moving the filing deadline from June 1 to the last Tuesday in May. The Board directed staff to develop this recommendation at its June 2014 meeting.

#### Chapter 9

30. §9.01(2). This provision establishes the candidate notification requirements prior to conducting a recount. Current statutes require personal delivery of the petition to the candidate or an approved agent, by either the clerk or the sheriff. Providing notice of the recount petition could potentially be delayed if the candidate and/or their agent is traveling outside of the municipality, county, our state after the election for either professional or personal reasons. The Legislature could revise this provision by allowing a three-step process. The first step a clerk would take is to attempt personal delivery of the petition to the candidate or approved agent. The second step would be to obtain documented confirmation of acknowledgement by the candidate or agent (e.g., through email or a documented phone call). The clerk could then issue a public notice and proceed with the recount process, if those two options are unsuccessful within a reasonable period.

#### Chapter 10

31. §10.04. This section relates to the publication of election notices and the fees charged for publication by newspapers. The Legislature could clarify this section by allowing publishing all types of elections notices as an insert, consistent with commercial rates for newspaper inserts.

#### Chapters Not Administered by the Government Accountability Board

32. §59.23(2)(s). This provision requires county clerks to provide a list of local officials to the Secretary of State. This information would help the G.A.B. maintain accurate information on current office holders and election administration. The Legislature could revise this provision by requiring county clerks to also provide this list to the G.A.B., or require the Secretary of State forward a compiled report to the G.A.B.
33. §66.0217(9). This provision requires a municipality that annexes territory to file a copy of the related ordinance with the Secretary of State. The Secretary of State is required to forward copies of that ordinance within 10 days of receipt to the Departments of Administration, Revenue, Public Instruction, Natural Resources, Transportation, Agriculture, and Trade and

Consumer Protection. The Legislature could add G.A.B. to the list of agencies that receive a copy of the ordinance, certificate, and plat from the Secretary of State in order to ensure accurate and current district boundaries recorded in the Statewide Voter Registration System (SVRS). The Board previously approved this recommendation.

## **TECHNICAL CHANGES**

### Chapter 5

34. §§5.15 and 66 subchapter II. These provisions provide limitations to the construction of wards. Current statutes restrict a town from drawing ward lines that do not cross the boundaries of a State Assembly district, and requires towns to create a separate ward when a county does not adjust boundaries for county supervisory districts. However, statutes do not place similar restrictions on cities or villages annexing territory. The Legislature could revise these provisions to enact the same requirements for cities and villages that currently exist for towns and require specifying the identification of the created ward (e.g., ward 7).
35. §5.94. This provision requires the publication of a sample ballot. *Wis. Stat. §10.02 (2) (c)* allows the ballot size to be reduced when publishing the notice. The Legislature could consider removing the requirement for an “actual-size” copy of the ballot for publication in *Wis. Stat. §5.94* to reduce the costs that jurisdictions must incur, to make these two provision consistent.

### Chapter 6

36. §6.03(3). This provision addresses the right to vote by persons under guardianship or adjudicated incompetent. The Legislature could revise this provision for the purpose of clarity to reference *Wis. Stats. §§51.59 and 54.64*. This would make this provision consistent with other recent legislative changes regarding guardianship and individuals adjudicated incompetent.
37. §6.18. This provision provides a process for former Wisconsin residents to vote in a Presidential Election if they do not yet qualify to vote in their new state of residency. The Legislature could revise this provision by establishing a receipt deadline of 5:00 p.m. on the fifth day before the election deadline to request an absentee ballot, consistent with other non-UOCAVA absentee voters.
38. §6.22(6). This provision requires each municipal clerk to keep an updated list of eligible military electors that reside in the municipality in the format provided by the board, and to distribute a copy the list to each polling place. The intent of this provision was to ensure compliance with absentee ballot procedures for military voters and the exemption from the voter registration requirement. In practice, all of the required information exists within SVRS and the military voters automatically appear on the poll books. Clerks who rely on someone else for SVRS services communicate with their SVRS provider for updated copies of their military voter list prior to absentee voting. The Legislature could repeal this provision to reflect modern practices.

39. §6.25(4). The last clause of this provision states, “*and, if the elector is an overseas elector, the elector resides outside of the United States.*” The Legislature could eliminate the redundant second half of this clause. An overseas elector is also defined in §6.24(1).
40. §§6.275 and 6.33(5). These provisions provide deadlines for reporting certain statistics, and recording voter participation and registration following an election, respectively. In practice, and particularly in larger municipalities, clerks complete entering voter registrations and recording voter participation in SVRS in order to provide accurate statistics. The 30-day deadline to report statistics and the 45-day deadline (60 days with an approved waiver) to enter voter registrations and record voter participation after general elections is inconsistent with current practices by many clerks. Clerks have 30 days to enter voter registrations and record participation after spring primaries, spring elections, partisan primaries, and special elections. Virtually all clerks are able to comply with both deadlines for elections other than general elections; however, many clerks struggle to meet the 60-day deadline after general elections. The Legislature could address this issue by clarifying that the deadline for reporting statistics coincides with the deadline to enter voter registrations and record voter participation in SVRS, as defined in 6.33 (5).
41. §6.34. This section covers POR requirements for voter registration. Throughout this section, there are several references to POR as an *identifying document*. The Legislature could replace those references with *proof of residence* to clarify the section and avoid any confusion with proof of identification.
42. §§6.34(3)(a)1 and 2. These provisions refer to using either a Wisconsin driver license or state-issued identification card as POR. The Legislature could revise these sections to include a receipt for either Wisconsin Department of Motor Vehicles (DMV) product, consistent with DMV current practices of issuing a temporary receipt prior to the driver license or state-issued identification card.
43. §6.34(3)(a)7. This provision allows for using a university, college, or technical college identification card as POR for voter registration, with either a fee payment receipt or a list of students residing in school housing. The Legislature could clarify that the receipt or list of students must include the name and address of the individual.
44. §6.34(3)(a)10. This provision allows for using a paycheck as POR. The Legislature could revise this provision to also include a paystub or pay statement to be consistent with the federal Help America Vote Act.
45. §6.50(2r)(b). This provision lists the information G.A.B. must provide regarding the four-year voter list maintenance process. Specifically, this item is the number of postcards returned to the G.A.B. as undeliverable. While the G.A.B. would be sending out the postcards, the undeliverable mailings go to the municipal clerk. The Legislature could correct this issue by either striking the words *to the board*, or replacing that phrase with *to the (municipal) clerk*.
46. §6.96. This provision relates to the voting procedure for electors voting pursuant to a federal court order. The Legislature could revise this provision to require that the same notation shall appear resulting from an extension of voting hours by a circuit court as currently required after a federal court extension.

## Chapter 7

47. §7.50(2)(em). 2013 Wisconsin Act 178 amended this provision to state that all votes for write-in candidates shall be tallied if a candidate on the ballot dies or withdraws before the election. However, Wisconsin Statutes do not provide a procedure for candidates to withdraw. The Legislature could correct this issue by striking “*or withdraws*” from this provision.

## Chapter 9

48. §§9.01(1)(ar)3. and (b). These sections establish deadlines for convening the board of canvassers for conducting a recount. The Legislature could revise this section by setting the deadline to reconvene at two days after issuing a recount order to provide clarity, consistency, and sufficient time for clerks to prepare for conducting a recount.
49. §9.10(2)(e). This provision provides the reasons to not count recall petition signatures. In 2013 Wisconsin Act 160, the Legislature required that all petitions include the legibly printed name of the signor. While Act 160 required the printed name for nomination papers and petitions, it did not add the same requirement for recall petitions. The Legislature could correct this by adding to this provision a reason not to count a recall petition signature if the printed name is not legible. The sections that cover the requirements for petitions are also inconsistent. Sections related to nomination papers and petitions affirm the requirements of what individuals must provide, whereas the section on recall petitions identifies when not to count signatures. Alternatively, the Legislature could revise this provision to state the information a recall petition must contain in order to count a signature, similar to the other sections.
50. §§9.20(4), 8.37, and 67.05(6a). These sections address the deadlines to file petitions for a referendum, direct legislation, and a special referendum. The deadline for referenda is 70 days prior to any election, but the deadline for direct legislation is six weeks (42 days) prior to any election. The 42-day deadline for direct legislation conflicts with the 48-day deadline for county clerks to have ballots available to municipalities prior to any federal election, in order to comply with the Federal MOVE Act. The Legislature could address this inconsistency by making the deadlines consistently 70 days prior to an election. Alternatively, the Legislature could establish deadlines of 42 days (six weeks) for non-federal elections and 70 days for federal elections. The 2015 Wisconsin County Clerks Association’s 2015 Legislative Objectives include making the deadline a uniform 70 days. Both 2015 Assembly Bill 164 and 2015 Senate Bill 121 include this change.

## Chapter 10

51. §10.02(3)(b). This provision includes requirements for the information that must be contained in the Type B election notice. This language still refers to antiquated voting equipment technology and depressing levers. The Legislature could revise this provision to reflect modern voting equipment technologies.

## Chapter 66

52. §66.0213(4). This provision outlines the process of conducting the first election for village or city officers following passage of an incorporation referendum, including establishing the deadline for filing nomination papers as no later than 15 days before the time fixed for the

election. This deadline conflicts with the requirement that absentee ballots be available 21 days before each election that does not involve a federal office. The 15-day deadline would also make it impractical to complete ballot preparation in a timely manner if any challenges to nomination papers are filed and need to be resolved. The Legislature could establish the deadline for filing nomination papers in such election to be 28 days before a special primary would be held, if necessary, which would be consistent with the deadline for other special elections established by Wis. Stat. §8.50(3).

## LEGISLATIVE POLICY DECISIONS

### Chapter 5

53. §§5.51(4), 7.37(6), 7.38(3), 7.50(1)(d), 7.50(2)(b), 7.50(2)(f), 7.50(2)(j), 8.35(2)(d). These provisions relate to the use of stickers on ballots. Stickers may provide a clear understanding of voter intent related to write-in candidates. However, stickers may also potentially cause damage to electronic voting equipment. The 2015 Wisconsin County Clerks Association's 2015 Legislative Objectives include a recommendation to prohibit voters from applying stickers to the ballot. Any potential legislation should also address whether stickers affixed to the ballot by election officials are permissible in cases where a candidate on the ballot dies prior to the election. Both 2015 Assembly Bill 164 and 2015 Senate Bill 121 include this change.
54. §5.85(2). This provision outlines the requirements to remake an over-voted ballot. The 2015 Wisconsin County Clerks Association's 2015 Legislative Objectives include removing the requirement to remake over-voted ballots. Eliminating the requirement only applies to optical scan ballots, which represent approximately 82 percent of ballots cast in the 2014 General Election.

### Chapter 6

55. §6.36(1)(b)1.a. This provision establishes information related to a voter record that must remain confidential. This list includes a voter's date of birth, operator license number, social security number, any accommodation required for the individual to voter. If the voter is a confidential voter, their address is also confidential. The voter registration application includes a place for a voter to list a phone number and email address. However, these are not required fields in order for a clerk to enter and approve a voter registration application. Military and permanently overseas voters are required to provide an email address in order to receive their absentee ballot by email. The Legislature could consider revising this provision in order to add phone number and email address to the list of confidential information that is not available for release through public record requests. As of March 27, 2015, there are 3,473,886 active registered voters in SVRS. Approximately 49.01 percent (1,702,667) voters have a phone number listed, 2.73 percent (94,911) have an email address listed, and 2.57 percent (89,258) have both. The Legislature may also wish to clarify that a state-issued identification card number is also confidential by replacing *operator license number* with *driver license or state-issued identification card number*.



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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the Board Meeting of April 29, 2015

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:  
Michael Haas  
Elections Division Administrator

**SUBJECT:** Implementation of Voter Photo ID Requirement

As the Board is aware, the U.S. Supreme Court recently declined to accept an appeal of the decision of the 7<sup>th</sup> Circuit Court of Appeals holding that Wisconsin's voter photo identification requirement is constitutional. The photo ID requirement will be implemented and enforced for future elections. Elections Division staff has been making final updates to training and informational resources related to the ID requirement for voters and local election officials, and is making that information available in a variety of ways.

The staff's first priority is to assist voters, clerks and election inspectors who are preparing for upcoming local special elections. On May 19, 2015, referendum elections will be held in the South Shore School District in Bayfield County and the Geneva J4 School District in Walworth County. On either June 2 or 9, 2015, the first election of village officers will be held in the new Village of Somers in Kenosha County, which became incorporated as a village as a result of an incorporation referendum during the Spring Election. The Fennimore Community School District in Grant County will hold a referendum election on June 16, 2015. There will also be a special election held for the 33<sup>rd</sup> State Senate District in Waukesha County, and the date of that election has not yet been determined by the Governor.

In preparation for those special elections, the Elections Administration and Training teams have been reviewing and, when necessary, revising G.A.B. manuals, forms, and guidance to clerks which was previously created when the photo ID requirement was in effect in 2012 and then again briefly before the 2014 General Election. The updating of those materials has been expedited due to the staff's work last fall as well as the contingency work completed prior to the 2015 Spring Election, but it has still been a useful and prudent step to complete a final review prior to publication of updated materials.

G.A.B. staff conducted a training webinar on April 23 for municipal and county clerks involved in the May and June special elections. Absentee ballots must be made available for the May 19 special elections by April 28. One change which permeates many of the photo ID materials is related to the fact that a photo ID is acceptable for voting purposes if it has expired since the last general election. All of the materials which previously listed the relevant general election as 2012 needed to be updated to substitute 2014 as the applicable year.

Public Information Officer Reid Magney has also reached out to local media outlets in the areas where special elections are taking place to discuss the return of the photo ID requirement and resources available to voters.

Elections Division staff is also ensuring that the Statewide Voter Registration System (SVRS) as well as the MyVote Wisconsin website are updated to again accommodate the photo ID requirement. The SVRS system is minimally impacted by the reinstatement of the photo ID requirement. SVRS was originally modified to accommodate the ID requirement in 2011. Those features remained available in the system while the photo ID requirement was enjoined, though they were optional to, for instance, track voters who requested an absentee ballot by mail and submitted a copy of their photo ID so that they would not need to do so in future elections. Instructions for using the photo ID features remained in the SVRS user manuals, but with indications that the ID requirement was not to be enforced.

Now that the photo ID requirement has been reinstated, the SVRS team is reviewing the photo ID features in SVRS and updating the training manuals to ensure that local election officials have what they need to enforce the ID requirements, beginning with the May special elections. Staff does not anticipate needing to make changes to SVRS to accommodate the law.

The SVRS Modernization Team is also working to ensure that the ongoing SVRS modernization project includes all necessary features to enforce the photo ID requirements.

In September 2014, G.A.B. staff updated the MyVote Wisconsin website to provide information to voters about the photo ID requirement. The build of the MyVote website that included the photo ID changes was labeled version 1.9. The changes incorporated into version 1.9 included information in relevant parts of the website, such as absentee voting and the provisional ballot tracker.

After the U.S. Supreme Court enjoined the photo ID requirement prior to the November 2014 General Election, G.A.B. staff rolled back the MyVote Wisconsin website to version 1.8 to remove all references to the Photo ID law. Since then, staff has implemented several minor unrelated changes into MyVote Wisconsin. The small changes have been labeled as version 1.8.1. In order to accommodate the reinstatement of the photo ID requirement in 2015, G.A.B. staff will again update the MyVote Wisconsin website, using the previous version 1.9, but also incorporating the additional unrelated changes of version 1.8.1. Staff anticipates that the version 1.9 photo ID changes will be implemented in the website's test environment by April 21 and that upon successful testing the photo ID changes will be incorporated into the MyVote Wisconsin website no later than April 25, 2015.

In order to reacquaint staff with the photo ID requirement and all of its related issues, and to introduce recently hired staff to that information, Elections Division staff conducted a refresher session for all Division staff, which was helpful to simulate what many local election officials will be experiencing as the photo ID requirement is implemented on a permanent basis.

Finally, several staff members met with representatives of the agency which developed and produced the *Bring It to the Ballot* website, public service announcements, brochures, posters and other voter outreach materials when the photo ID requirement was previously in effect. The *Bring It to the Ballot* website was reactivated immediately after the April 7 Spring Election. The agency is updating those materials and resources, and is also developing recommendations for the most efficient and effective public information campaign should funds become available for such an effort during the 2016 election cycle. The agency will provide a proposed public information campaign to staff before the April 29 meeting. A copy of the proposal will be provided to Board Members under separate cover.

In addition to preparing local election officials and voters for the upcoming special elections, the staff's efforts will help to evaluate best practices for the implementation of the photo ID requirement on a statewide basis starting with the 2016 Spring Primary.

This summary is provided for the Board's information and no action is required.



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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:  
Michael Nelson, SVRS Training Officer  
Matthew W. Giesfeldt, Staff Counsel

**SUBJECT:** Individuals Adjudicated to Be Incompetent to Vote

### **I. Introduction:**

Government Accountability Board (“G.A.B.” or “Board”) staff seeks guidance from the Board regarding the agency’s collection and dissemination of information related to persons who have been adjudicated incompetent and are ineligible to vote due to an inability to understand the objective of the elective process. Given that the relevant statutory provisions disqualify such individuals from voting, but do not appear to require the G.A.B. to collect the names of those individuals from the probate courts and disseminate that data to local election officials, Board staff is attempting to balance its statutory obligations with its ability to initiate processes which would improve the administration of elections and accuracy of data in the Statewide Voter Registration System (SVRS).

Board staff requests that the Board determine whether the G.A.B. is either required or permitted to maintain and disseminate information related to individuals who are ineligible to vote due to a court adjudication of incompetency. Staff recommends that the Board rely on its general statutory authority and responsibilities to convey to local election officials information that the agency collects regarding individuals who have been adjudicated to be incompetent to vote or whose right to vote has been restored following a previous adjudication of incompetency.

### **II. Background:**

Unlike other data quality measures (such as the felon voter audit, four-year maintenance, and Election Day registration audit), the Statutes do not specifically mandate or outline a procedure

requiring the G.A.B. to collect records related to persons who have been declared incompetent to vote, or to disseminate that information to local election officials. Nevertheless, on an ongoing basis, the G.A.B. receives records documenting that Wisconsin's probate courts have determined certain individuals to be ineligible to vote due to their inability to understand the objective of the elective process, pursuant to WIS. STAT. §6.03(1)(a). In addition, the Board receives information related to cases involving ineligible voters who subsequently have had their right to vote restored.

The Board receives these individual case records via documents transmitted by county registers of probate. In either case, Board staff enters information related to the individual into an internal database which now contains approximately 8,700 records. In calendar year 2014, the G.A.B. received over 1,500 such notices of ineligibility to vote and notices of the right to vote restored from county probate courts.

There are gaps in the current data; most notably, there is a lack of records being submitted by several Wisconsin probate courts, some of which have not provided records to the G.A.B. in more than six months. In addition, staff often receives incomplete records that render such records unsearchable in the database. It appears that the courts rely on attorneys for the petitioner in the guardianship proceeding to complete the required form, and sometimes the information is not complete or accurate. Those records must be referred back to the courts for addition of vital information such as missing dates of birth and addresses. The G.A.B. has no explicit statutory authority to verify whether the notices it receives represent all adjudications of incompetency and right to vote restored.

The database containing this information is accessible to G.A.B. staff only and contains the adjudicated person's name, date of birth, court name, case number and adjudication date. SVRS is not currently configured to systematically record the status of an individual who has been adjudicated incompetent or to routinely notify local election officials of such a finding related to voters in their jurisdiction. The G.A.B.'s current administrative process is to disseminate information from this database on a case-by-case basis. Election officials contact G.A.B. staff concerning challenges to possible adjudicated persons who are attempting to vote or register to vote, or who may have had their right to vote restored by the courts. G.A.B. staff provides information to the election officials to help determine whether a particular individual is the subject of a current court order regarding their ability to understand the objective of the elective process. Staff also strongly recommends that election officials confirm the information provided with their county probate courts.

### **III. Legal Analysis**

WIS. STAT. §6.03(1)(a) states as follows:

#### 6.03 Disqualification of electors

(1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:

(a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.

An adjudication that an individual is not competent to vote may occur via a guardianship proceeding or through a separate legal proceeding challenging the elector's ability to understand the objective of the elective process. WIS. STAT. §§6.03(3), 54.25(2)(c)1.g., and 54.64. While the effect of such an adjudication is clear, the Statutes do not well-define the G.A.B.'s role in effectuating the consequences of such court orders, as compared to the roles of the probate courts and local election officials.

**A. The G.A.B. does not have the specific statutory responsibility or authority to accept or collect notifications regarding individuals who are adjudicated incompetent as part of a guardianship or other court proceeding, or regarding individuals whose rights to vote have been restored after a finding of incompetency.**

WIS. STAT. §54.25(2)(c)1.g. provides, in relevant part, that in an order resulting from a petition for guardianship under Chapter 54, a court may “declare that an individual has incapacity to . . . [exercise the] right to register to vote or to vote in an election, if the court finds that the individual is incapable of understanding the objective of the elective process.” Pursuant to WIS. STAT. §54.25(2)(c)4., the court may declare a person not competent *to vote* even if the court does not find the person incompetent and, therefore, in need of a guardianship.

1. Probate Courts do not have the statutory duty to send written notification of ineligibility to vote as part of a guardianship proceeding.

The statutory structure of WIS. STAT. §54.25(2)(c)1.g. is unique to the subdivision. All of the preceding subdivision paragraphs of subdivision 1. simply form a list of rights that a court may remove from an individual who is adjudicated incompetent as part of a guardianship. However, subdivision paragraph g. contains two distinct provisions: first, it lists the right to vote as a right that a court may remove from an individual as part of a Chapter 54 guardianship, and second, it provides an alternative method of seeking such a determination from a court:

The right to register to vote or to vote in an election, if the court finds that the individual is incapable of understanding the objective of the elective process. *Also, in accordance with s. 6.03(3), any elector of a municipality may petition the circuit court for a determination that an individual residing in the municipality is incapable of understanding the objective of the elective process and thereby ineligible to register to vote or vote in an election. This determination shall be made by the court in accordance with the procedures specified in this paragraph. If a petition is filed under this subd. 1.g., the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian is not required for an individual whose sole limitation is ineligibility to vote. The determination of the court shall be communicated in writing by the clerk of court*

*to the election official or agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52(5) with the responsibility for determining challenges to registration and voting that may be directed against the elector. The determination may be reviewed as provided in s. 54.64(2) and any subsequent determination of the court shall be likewise communicated by the clerk of court.*

WIS. STAT. §54.25(2)(c)1.g. (emphases added). A copy of WIS. STAT. §54.25(2)(c) follows this memorandum as “Attachment 1.”

The second provision of WIS. STAT. §54.25(2)(c)1.g. authorizes an alternative procedure to challenge a voter’s eligibility separate from a guardianship procedure. This provision was previously found in WIS. STAT. §6.03. The Legislature passed 2005 Wisconsin Act 387, which removed the separate procedure from WIS. STAT. §6.03. *See* 2005 Wisconsin Act 387, §2. A copy of 2005 Wisconsin Act 387, §2 follows this memorandum as “Attachment 2.”

Based upon G.A.B. staff’s experience and as confirmed by the guardianship administrator in Dane County, most probate courts send a Wisconsin Court System standard form, GN-3180, completed by the petitioner’s attorney, to the G.A.B. after any adjudication of ineligibility to vote as part of a *guardianship* proceeding. A copy of this form follows this memorandum as “Attachment 3.” This practice appears to be contrary to the requirement in the statute, which specifically provides that the written notification should be sent only as a result of the alternative, (non-guardianship) proceeding challenging a voter’s eligibility.

2. Probate Courts do not have the statutory duty or authority to send written notification of ineligibility to vote to the G.A.B.

WIS. STAT. §54.25(2)(c)(1)g. provides that the determination of ineligibility to vote shall be communicated in writing to either the “election official” or the “agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52(5) with the responsibility for determining challenges to registration and voting that may be directed against the elector.”

Form GN-3180 contains a “TO:” section, which automatically addresses the form to the G.A.B. According to the forms officer in the Director of State Courts office, the Records and Management Committee created and adopted form GN-3180 in 2005 in response to 2005 Wisconsin Act 387. Also according to the forms director, the Records and Management Committee designated the G.A.B. as the standard recipient of the form because WIS. STAT. §54.25(2)(c)(1)g. states that the determination of ineligibility to vote shall be communicated in writing to the “agency” charged “with the responsibility for determining challenges to registration and voting that may be directed against the elector.” The Records and Management Committee construed that “agency” to be the G.A.B. It appears that neither the State Elections Board, nor subsequently the G.A.B., was consulted regarding this interpretation of the Director of State Courts and the practice of the probate courts to transmit Form GN-3180 to the state agency rather than directly to local election officials.

An election official is defined as “an individual who is charged with any duties relating to the conduct of elections.” WIS. STAT. §5.02(4e). While G.A.B. staff members are considered

election officials, they are *not* the election officials or “agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52(5) with the responsibility for determining challenges to registration and voting that may be directed against the elector.”

WIS. STAT. §6.48 provides the procedure for challenging a voter registration at the local level. WIS. STAT. §6.92 provides that an election inspector may challenge a person who attempts to vote who may not be eligible to do so. WIS. STAT. §6.925 provides that a voter may challenge a person who attempts to vote who may not be eligible to do so. WIS. STAT. §6.93 provides that an election inspector may challenge an absent elector’s ballot. WIS. STAT. §7.52(5) provides that the board of absentee ballot canvassers may challenge an absent elector’s ballot. Pursuant to WIS. STAT. §§6.03(3) and 6.935, a challenge to an individual’s right to vote based upon an allegation of incompetency may be sustained only if there has been a court finding to that effect.

All of these statutes provide mechanisms for certain persons to challenge the eligibility of voters, but none of those persons are staff or members of the G.A.B. The determination of challenges to voter registration and to an individual’s right to vote is made by either municipal clerks or by election inspectors, and the Board does not have the statutory authority to determine the outcome of such challenges to the eligibility of a particular voter. In making those determinations, municipal clerks or election inspectors may not determine a person to be ineligible to vote unless the person was previously adjudicated incompetent as part of a guardianship proceeding or via separate petition. WIS. STAT. §§6.03(3), 6.935, 54.25(2)(c)(1)g.

It appears that, under the plain language of WIS. STAT. §54.25(2)(c)1.g., the Legislature did not anticipate that Form GN-3180 would be sent to the G.A.B. The probate courts’ current practice to send the form to the G.A.B. as part of guardianship proceedings is also not contemplated in the statute, as the notice should be sent to local clerks and inspectors, not to the G.A.B. Arguably the Statute authorized the form to be sent only as part of a specific proceeding to challenge whether a voter is capable of understanding the elective process and not a standard guardianship proceeding.

**B. The Board may invoke its general statutory authority and responsibilities to implement a uniform system of collecting and disseminating information regarding individuals who are ineligible to vote due to an adjudication of incompetency or whose rights to vote have been restored after a previous determination of incompetency.**

In contrast to other voter data quality processes which are specifically mandated, the Statutes are silent regarding any requirement for the G.A.B. to collect and disseminate the names of individuals who are ineligible to vote due to a court finding of incompetency. The G.A.B.’s role in ensuring that individuals who are adjudicated to be incompetent are removed from the list of eligible voters is not clearly outlined in the Statutes, but may be inferred from the Board’s more general statutory authority and responsibilities.

The G.A.B. is charged with administering Wisconsin’s election laws under WIS. STAT. §5.05(1). The disqualification to vote of an individual adjudicated to be incompetent is

specifically established by WIS. STAT. §6.03(1)(a). The G.A.B. is responsible for maintaining the official voter registration list but the data required to be included in SVRS related to each voter does not include an indication of whether the individual has been adjudicated to be incompetent or incapable of understanding the elective process.

The consensus of Board staff is that the G.A.B. is not statutorily required to collect and disseminate information related to individuals who are ineligible to vote due to an adjudication of incompetency. But given that WIS. STAT. §6.36(1)(e) permits staff to change an individual's registration status, the Board must also have the ability to collect and process information that would be the basis for making such changes. Consistent with current practices, Board staff believes that it should provide local election officials with the names of such individuals which are received from the probate courts and instruct local election officials to complete any inquiries and data quality checks which may be necessary before determining whether the individual's voter registration status should be changed. G.A.B. staff would suggest that the local election official independently confirm the accuracy of the individual's information with the probate court.

This process would leverage the Board's ability to maintain a centralized database of records forwarded from the probate courts and would be consistent with the current practices of those courts. It would also maintain the important role of local election officials and their knowledge of voters in their jurisdictions to verify the accuracy of information prior to affecting an individual's eligibility to vote.

#### **IV. Summary**

If the Board agrees with this analysis, staff recommends that it continue to collect the information provided by the county probate courts, recognizing that the G.A.B. does not have the statutory authority to require such submissions. Staff would then disseminate that information to local election officials to determine whether an individual's voter registration status should be altered. Staff would also develop a communication to local election officials regarding a process for transmitting data received from the probate court and for documenting in SVRS any action taken to affect a voter registration record as a result of such information. Currently, the most efficient means of implementing such a process without significant costs to the agency would involve the use of the database containing records of individuals adjudicated to be incompetent. The process could also be made more efficient by being incorporated into the updating and modernization of SVRS.

Board staff also recommends that it consult with the Legislature to determine whether it wishes to establish more specific mandatory processes for probate courts and the G.A.B. to collect and disseminate information related to adjudications of incompetency and voting eligibility.

#### **V. Recommended Motion:**

The Board concludes that the Statutes do not clearly mandate the responsibility for, or method of, the G.A.B. to collect information from probate courts related to the adjudication of individuals determined to be incompetent to vote. The Board finds that it has the general

authority and responsibility to maintain and promote the accuracy and currency of information in the Statewide Voter Registration System, including the voter eligibility status of individuals subject to court proceedings regarding competency to vote. The Board directs staff to continue to collect information provided by the probate courts regarding adjudications of incompetency and voting eligibility, to disseminate that information to local election officials to determine whether an individual's voter registration status should be altered in SVRS. The Board directs staff to consult with the Legislature to determine whether it wishes to establish more specific mandatory processes for probate courts and the G.A.B. to collect and disseminate information related to adjudications of incompetency and voting eligibility.



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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the Board Meeting of April 29, 2015

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by:  
Matthew Kitzman  
Electronic Voting Systems Election Specialist  
Government Accountability Board

**SUBJECT:** Policy Clarification: Applications for Approval of a Modification to Voting Systems Previously Approved for Use in Wisconsin

This memorandum requests the Board's refinement and clarification of a policy adopted in 2010 related to the approval of modifications to voting equipment. On March 26, 2015, G.A.B. staff received an application for approval of a modification to the Election Systems and Software EVS 5.3.0.0. voting system, which necessitated review of the policy's interpretation and implementation.

At its meeting on March 23-24, 2010, the Board approved a policy governing the approval of modifications to voting systems previously approved for use in Wisconsin, including all upgrades, modifications, and other engineering change orders (the 2010 policy). The staff memorandum outlining the 2010 policy is attached. The policy includes conditions and requirements imposed on the equipment vendor as well as the municipalities which use the modified equipment.

Since the adoption by the Board of the 2010 policy, G.A.B. staff has not required adherence to its conditions by municipalities utilizing modified voting systems or required vendors to supply municipalities with the language prescribed in the policy when a nationally accredited laboratory has found the modification to be *de minimis*. A change is considered *de minimis* if it "maintain[s], unaltered, the reliability, functionality, capability and operability of a voting system." Examples of *de minimis* changes include replacement of a screw or replacement of an end of life component, such as a modem, which does not alter the function or use of the equipment.

While the 2010 policy did not clearly distinguish between the processes for approving *de minimis* modifications and more significant modifications, the understanding of G.A.B. staff was that it was not appropriate or necessary to impose the same level of conditions on the equipment vendor and the municipalities involved given the significant difference between the types of applications submitted and the approvals sought.

Staff discovered the discrepancy between the Board's written policy and its implementation while reviewing and processing the application recently submitted by Election Systems and Software. As a result of its experience with various equipment modification applications and approvals since adoption of the 2010 policy, staff recommends that the Board implement a two-tiered approach to considering modifications to voting systems, which were previously approved for use in the State of Wisconsin. G.A.B. staff believes refining and distinguishing these two categories is consistent with the original purpose and intent of the 2010 policy.

Staff recommends that the first category of applications would include those requesting approval of a modification that is classified as *de minimis* by a Voting System Test Laboratory (VSTL) accredited by the U.S. Election Assistance Commission. Staff recommends that the second category include applications for approval of a modification that are considered significant (more than *de minimis*) changes to a currently approved voting system in the State of Wisconsin.

For applications in either category the vendor would submit the necessary materials for the application for approval of a modification to voting systems to G.A.B. staff, which would then determine whether the application involves a *de minimis* or significant modification to an approved voting system in the State of Wisconsin. G.A.B. staff would provide its recommendation concerning the application to the Director and General Counsel, detailing the proposed action to be taken and the basis for that action.

If the VSTL classifies the equipment modification as *de minimis*, the following process would be used:

1. Staff will determine whether staff concurs with the VSTL report. If so, staff will recommend approval of the application for modification without additional testing to the Director and General Counsel. If not, staff will recommend processing the application under the significant category, as outlined below.
2. The Director and General Counsel will consult with the Board Chair concerning the application and staff's recommendation.
3. If the Director and Board Chair agree the modification is *de minimis*, requiring no additional testing or full Board approval, the Director will issue a letter granting approval of the application for approval of a modification to the vendor. The Director shall provide a copy of the approval letter to Board members and staff shall include a summary of the action in a report to the Board at its next regularly scheduled Board meeting.
4. Upon approval of a *de minimis* change, the vendor will be responsible for submitting a quarterly report, as outlined in section (A)(4) of the attached 2010 policy.

5. If the Director and Board Chair disagree with the recommendation of the staff, staff will be directed on the type of testing campaign required for approval or other information to be presented to the Board for its consideration of the application.

If the VSTL classifies the equipment modification as significant, the following process would be used:

1. Staff will determine whether staff concurs with the VSTL report. If so, staff may recommend limited testing, as described in the Board's 2010 policy, or full testing, as is required for applications involving new voting systems in the State of Wisconsin.
2. If staff recommends a limited testing campaign, the Director and General Counsel will consult with the Board Chair concerning the application and staff's recommendation to determine whether the full Board should be consulted, prior to notification to the vendor that limited testing is required, or prior to the Director and General Counsel's approval of the application upon completion of the limited testing. The Director shall issue a letter informing the equipment vendor of the need for a limited testing campaign, and notify Board members of this step either prior to or upon issuance of the letter, as determined by the Board Chair. The testing process and conditions imposed upon equipment vendors and municipalities, which are outlined in the Board's 2010 policy, will be used for this limited testing.
3. Staff may recommend that the application for approval describes a significant modification to voting equipment and requires a full testing campaign equivalent to testing required for a new voting system. If the Director and Board Chair agree with the staff's recommendation, the Director shall provide a letter informing the vendor of the need for full testing. In that case, staff will conduct a full testing campaign and present the results and a recommendation regarding approval to the full Board.
4. If the Director and Board Chair disagree with the recommendation of the staff, staff will be directed on the type of action the Director and Board Chair require of staff. Additional actions include, but are not limited to: changing the testing campaign type, directing additional information to be presented to the Board, or determining that the modification is *de minimis* and requires no additional testing.

In addition to recommending this proposed policy clarification, and unless the Board directs otherwise, G.A.B. staff will work to promulgate an administrative rule codifying the Board's 2010 policy and the policy described above concerning applications for approval of modifications to voting systems previously approved for use in Wisconsin.

Staff has included sample materials for the recent Election Systems and Software application for approval of a *de minimis* modification to a voting system previously approved for use in Wisconsin, subject to the Board's approval of the above clarification to the 2010 policy.

**Proposed Motions:**

1. **MOTION:** Approve the interpretation and clarification of the Board’s 2010 policy as described above relating to applications for approval of modifications to voting systems already approved for use in Wisconsin.
  
2. **MOTION:** Amend the Board’s delegation to the Director and General Counsel to authorize the Director and General Counsel “to accept, review, and exercise discretion, in consultation with the Board Chair, to approve applications for voting system modifications characterized as either *de minimis*, requiring no additional testing, or as significant, but requiring only limited testing, for voting systems previously approved for use in Wisconsin.”

**Attachment**

- ✓ Board Memorandum “Policy: Approval of Modifications to Voting Systems,” presented at the March 23-24, 2010 meeting
- ✓ Staff Recommendation Memorandum for “Election Systems and Software Application for Approval of Modification of Electronic Voting System/EVS 5.3.0.0.”
- ✓ Letter of Approval for an Application for “Election Systems and Software Application for Approval of Modification of Electronic Voting System/EVS 5.3.0.0.”
- ✓ Board Memorandum “Election Systems and Software Application for Approval of Modification of Electronic Voting System/EVS 5.3.0.0.”

# State of Wisconsin \ Government Accountability Board

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JUDGE WILLIAM EICH  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the March 23-24, 2010 Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

**SUBJECT:** Policy: Approval of Modifications to Voting Systems

### **Introduction and Recommendations:**

Various voting systems that were approved for use in Wisconsin in 2006 remain in use. All of these voting systems involve materials and software that are subject to upgrades, modifications, or other engineering change orders. Voting systems vendors have now begun to submit requests to the Government Accountability Board to allow modifications to voting systems previously approved for use in Wisconsin. Currently, administrative code provisions regarding voting systems approval do not specifically prescribe procedures to process such a request.

Staff recommends that the Board approve an interim policy for application and approval of voting systems modifications to systems previously approved for use in Wisconsin. In addition, staff recommends that the Board delegate authority to the Director and General Counsel to review and approve voting systems modifications, provided those modifications are not substantial in nature. Finally, staff recommends that the Board direct the promulgation of administrative rules to codify a policy for application and approval of voting systems modifications to systems previously approved for use in Wisconsin.

### **Background:**

Approval of software components of electronic voting systems is prescribed by §5.905, Wis. Stats. Approval of ballots, devices and equipment for electronic voting systems is prescribed by §5.91, Wis. Stats. Sections 5.905 and 5.91, Wis. Stats., establish basic necessary requirements for voting systems software and equipment. Pursuant to the specific authority granted by §§5.905(3) and 5.93, Wis. Stats., Chapter GAB 7, Wis. Adm. Code, prescribes the procedures and conditions for approval of electronic voting systems in Wisconsin, in the first instance and before the voting systems can be marketed and sold in Wisconsin. With the

evolving state of electronic voting systems technology, voting systems approved in the past are currently ripe for updates and modifications. In most instances, the updates and modifications result from changes in equipment parts and/or equipment parts' manufacturers and suppliers. Despite these updates and modifications, the voting systems substantially maintain the originally approved structure and operation.

Sections GAB 7.01(1)(f) and 7.03(1), Wis. Adm. Code, require vendors to notify the Board of any modification to a previously approved voting system and all jurisdictions using the voting system. Generally, this notification has been accomplished in writing, with specific engineering change orders (hereafter "ECO") identifying the modifications, and with supporting reports from Voting System Test Laboratories (hereafter "VSTLs"), determining whether a modification is *de minimis* and full reports where a modification may be more than *de minimis* in nature. In order for a modification to qualify as a "*de minimis*" change, it must maintain, unaltered, the reliability, functionality, capability and operability of a voting system.

In practice, an ECO may contain several modifications to a voting system; however, a municipality may only require one or two specific modifications to any voting system or part thereof. One must acknowledge that testing of the entire voting system with all ECO modifications may not replicate what exists in the field and, therefore, the voting system approval process prescribed by Chapter GAB 7, Wis. Adm. Code, is not practical for voting systems modifications.

Past interim approvals of modifications to voting systems were granted by the Director and General Counsel on a very limited and emergency basis. Formal approvals of modifications to voting systems may be granted by the Director and General Counsel upon delegation of that authority by the Board. Any approvals of modifications to voting systems are subject to the Government Accountability Board's adoption of the procedures and conditions set forth herein.

#### **Authority:**

Sections GAB 7.01(1)(f) and 7.03, Wis Adm. Code, grant discretion to the Board as to whether any voting systems modifications require additional approval of the entire voting system. A proper exercise of this discretion entails entire voting system review and approval, only if the modifications individually, or in the aggregate, are substantial in nature. Section GAB 7.03(5), Wis. Adm. Code, provides the Board discretion to exempt any electronic voting system from strict compliance with Chapter GAB 7, Wis. Adm. Code, upon good cause shown. A vendor presenting modifications to a voting system satisfies this good cause standard, if the voting system was previously approved by NASED or the U.S. EAC and the State Elections Board or Government Accountability Board, the modifications are not substantial (qualify as *de minimis*), and the modifications will not receive EAC review and certification for installation in a particular version of a voting system or component thereof.

#### **Introduction to Policy:**

The policy at the end of this Memorandum sets forth the procedures and conditions for approval of voting systems modifications and ECOs for voting systems that were previously approved by the former State Elections Board or the Government Accountability Board for use in Wisconsin. Electronic voting systems approved over the last decade now require upgrading resulting from changes in equipment parts and/or parts' manufacturers and suppliers, revised Environmental Protection Agency regulations, and software upgrades. These voting systems were previously tested and approved by the National Association of State Elections Directors (hereafter "NASED") and the State Elections Board. When the U.S. Election Assistance

Commission (hereafter “EAC”) assumed testing and certification responsibilities for voting systems from NASED, the EAC did not require re-testing and certification of voting systems previously approved by NASED; however, the EAC has specifically determined that it will not test and certify modifications to those previously NASED approved voting systems. In addition, it is still unclear whether the EAC will test and certify modifications to previously EAC approved voting systems. Therefore, the Government Accountability Board should establish procedures and conditions for approval of ECOs for voting systems that have been previously approved, but are subject to upgrades or modifications. Any such procedures and conditions for approval of modifications to previously approved voting systems should adhere to general standards for ongoing integrity and security of the voting systems, while at the same time balancing the variable condition of voting systems software and equipment in use.

***Proposed Motions:***

1. **MOTION:** Approve interim policy for application and approval of voting systems modifications to systems previously approved for use in Wisconsin.
2. **MOTION:** Pursuant to §5.05(1)(e), Wis. Stats., and his role as agency head and chief state election official, the Government Accountability Board delegates authority to its Director and General Counsel to accept, review, and exercise discretion to approve applications for voting systems modifications to systems previously approved for use in Wisconsin. 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 shall also report, at the Board meeting immediately following action on this delegate authority, the specifics for the action taken, the basis for taking the action, and the outcome of that action.
3. **MOTION:** Staff shall prepare, for consideration at a future Board meeting, proposed administrative rules codifying a policy for application and approval of voting systems modifications to systems previously approved in Wisconsin.

## Procedures and Conditions for Approval of Modifications to Voting Systems:

### A. Vendor

1. Pursuant to GAB §§7.01(1)(f) and 7.03(1), Wis. Adm. Code, a vendor shall immediately notify the Government Accountability Board of any modification to a previously approved voting system. The vendor shall not offer, for use, sale or lease, any modified voting system, without prior approval of the Government Accountability Board. If the Government Accountability Board determines that the modifications are substantial, the Board may notify the vendor that the modifications require review and approval of the entire voting system pursuant to Chapter GAB 7, Wis. Adm. Code.
2. Upon application for approval of modifications to a previously approved voting system, the applicant-vendor shall pay the application fee prescribed by the Government Accountability Board. In addition, pursuant to GAB §7.01(a), Wis. Adm. Code, the vendor shall present a signed agreement that the vendor shall pay all costs, related to approval of the modifications, incurred by the Government Accountability Board, its designees and the vendor.
3. Pursuant to GAB §§7.01(1) and 7.03, Wis. Adm. Code, the application for approval of modifications to a previously approved voting system shall be accompanied by all of the following:
  - (a) Engineering Change Orders itemizing all modifications and providing complete specifications for all modified hardware, firmware, or software. Specifications shall include hardware part numbers or firmware/software versions.
  - (b) Documentation from a Voting System Test Laboratory (with an accreditation from the U.S. EAC) providing a determination of whether the modification is *de minimis*.
  - (c) If a modification is more than *de minimis*, complete testing reports from a VSTL (with an accreditation from the U.S. EAC) demonstrating that the modifications to the voting system conform to all the standards recommended by the Federal Elections Commission, NASED, and/or U.S. EAC.
  - (d) All technical manuals and documentation related to any modifications to the voting system.
  - (e) An itemization of all jurisdictions using the voting system affected by the application for approval of modifications.
  - (f) If any portion of the application or materials provided to the Government Accountability Board is copyrighted, trademarked, or otherwise trade secret, the application shall include written assertion of any protective interests, including a detailed description thereof, and redacted versions of the application and all materials consistent with any asserted protective interests.
4. Pursuant to GAB §7.03(1), Wis. Adm. Code, upon approval of any modifications to a previously approved voting system and as a condition of maintaining the Government Accountability Board's approval for the use of the voting system as modified, the vendor shall disclose all of the following to the Government Accountability Board in quarterly reports for so long as the voting system containing any approved modification is in use:

- (a) Jurisdiction in which a modification was made and date of modification.
- (b) Specific identification of the modification made including, but not limited to, the identification of the specific hardware part number or firmware/software version affected.
- (c) Identification of the specific equipment upon which a modification was made.
- (d) If no additional modifications were made to voting systems during the time period since a vendor's most recent quarterly report, then the vendor shall provide a letter certifying that no additional modifications were made in place of a full quarterly report.

## **B. Municipalities**

Upon completion of each modification to a voting system and pursuant to GAB §7.02(2) and (3), Wis. Adm. Code, the clerk of a municipality in which a voting system was modified shall complete the following:

1. Conduct a logic and accuracy test (pre-election test) of any portion of a voting system affected by a modification to ensure that the modified voting system continues to meet the criteria set out in §5.91, Wis. Stats. This logic and accuracy test (pre-election test) shall be performed after a modification and immediately preceding and for each of the following election-types: a nonpartisan, partisan primary, general and presidential preference.
2. Upon completion of each logic and accuracy test (pre-election test,) provide a certification to the Government Accountability Board to include: the identification of the specific piece of equipment or software affected by the modification, the date of the modification, and whether the voting system passed the logic and accuracy test (pre-election test.) In no circumstance where a voting system fails the logic and accuracy test (pre-election test) shall it be used in an election without specific approval of the Government Accountability Board.
3. Following each of the first three elections after a voting system affected by a modification and in which the modified voting system or part thereof was used, perform a post-election audit, as prescribed by the Government Accountability Board, of that portion of the voting system affected by a modification. If the modified portion of the voting system was not used in an election, provide a certification of nonuse to the Government Accountability Board until such time as the portion of the voting system affected by the modification is used in an election and three post-election audits are completed.
4. Upon completion of the three post-election audits, provide a certification to the Government Accountability Board to include: the identification of the specific piece of equipment or software affected by the modification, the date of the modification, and whether the voting system passed the post-election audit.



# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the April 29, 2015, Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by:  
Matthew Kitzman  
Electronic Voting Systems Election Specialist  
Government Accountability Board

**SUBJECT:** Election Systems and Software  
Application for Approval of Modification of Electronic Voting System/EVS 5.3.0.0.

This memorandum is intended to apprise the Board of an application for approval of modification of a voting system previously approved for use in Wisconsin, ES&S Engineering Change Order (ECO) 918 that Director and General Counsel Kevin J. Kennedy has approved pursuant to Wis. Adm. Code GAB §7.03(1) and with authorization granted by the Board at its January 13, 2015 meeting.

Sections GAB 7.01(1)(f) and 7.03(1), Wis. Adm. Code, require vendors to notify the Board of all jurisdictions using the voting system as well as of any modification to a previously approved voting system. This notification is accomplished in writing, with specific modifications. The notification is accompanied by supporting reports from Voting System Test Laboratories (hereafter "VSTLs"), determining whether a modification is *de minimis* and including full reports where a modification may be more than *de minimis* in nature. In order for a modification to qualify as a "*de minimis*" change, it must maintain, unaltered, the reliability, functionality, capability and operability of a voting system.

At the January 13, 2015 Board meeting, the Board authorized Director and General Counsel Kennedy to approve applications for *de minimis* modifications to systems previously approved for use in Wisconsin, provided that the modifications were not substantial in nature. The following ECO has been approved by Director and General Counsel Kennedy on April 29, 2015:

- Election Systems and Software, Engineering Change Order 918 for *de minimis* Changes to EVS 5.3.0.0., specifically the modem for the DS200 tabulator, MTSCM-C2-N3-R1 (Verizon) cellular modem.

### **Election Systems and Software ECO 918 Application**

Election Systems and Software (ES&S) requested that the Board approve ECO 918 for *de minimis* modifications to the EVS 5.3.0.0. voting system, specifically the modem of the DS200 tabulator, which has reached end of life. The EVS 5.3.0.0. voting system, which includes the DS200 tabulator, was approved for use by the Board at the September 4, 2014 meeting. ECO 918 applies to DS200 tabulators contained within this system only. ECO 918 concerns new modem MTSCM-C2.N3-R1 (Verizon) cellular modem, which ES&S will make available for new equipment, repairs on equipment, or replacement of equipment orders. ES&S has no need or intention to make any changes to any DS200 unit under the EVS 5.3.0.0. voting system already in use in the state.

The memorandum on staff's recommendation to Director and General Counsel Kennedy and the letter of approval from Director and General Counsel Kennedy to ES&S is attached to this memorandum for informational purposes.

#### **Attachment**

- ✓ Staff Recommendation (ES&S ECO 918)
- ✓ Letter of Approval (ES&S ECO 918)

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** April xx, 2015

**TO:** Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board

**FROM:** Matthew Kitzman  
Electronic Voting Systems Election Specialist  
Wisconsin Government Accountability Board

**SUBJECT:** Election Systems and Software (ES&S) Application for Approval of Modification of Electronic Voting System/EVS 5.3.0.0.

This memorandum is intended to advise you regarding staff's recommendation concerning the ES&S Engineering Change Order (ECO) 918, which seeks approval of a *de minimis* modification to the EVS 5.3.0.0., specifically the DS200 tabulator modem. The current approved modem is an end of life component.

The Government Accountability Board (Board) has delegated to you authority to approve applications for voting system modifications to systems previously approved for use in Wisconsin. This authority applies to applications for modification that are not substantial in nature, or *de minimis* changes. The Board delegated this authority to the Director and General Counsel at a Board meeting on January 13, 2015. To qualify as a *de minimis* modification the voting system "must maintain, unaltered, the reliability, functionality, capability and operability of a voting system."

It is the opinion of staff that the ES&S ECO 918 application for modification seeks a *de minimis* modification of the EVS 5.3.0.0. voting system, which the Director and General Counsel should approve on behalf of the Board. Staff's reasoning is outlined below.

### Election Systems and Software ECO 918 Application

Election Systems and Software (ES&S) submitted a complete application on March 26, 2015, for approval of a modification to the EVS 5.3.0.0. voting system, specifically the DS200 Precinct Scanner modem, to allow for the Multitech MTSCM-C2.N3-R1 (Verizon) cellular modem as an option, due to the previously approved modem being at end of life. This modification is filed as ES&S ECO 918. ES&S will make the new component available for new equipment, repairs on

existing equipment, or replacement of equipment orders. ES&S has no need or intention to make any changes to any DS200 unit under the EVS 5.3.0.0. voting system already in use in the state.

The VSTL report was completed by National Technical Systems, which is an accredited independent testing authority for FEC VSS-2002 and EAC VVSG-2005. The report is attached to this memorandum. The report indicates that the engineering change order is *de minimis* and did not require any additional testing. It concludes that the firmware change “is not related to the operation of the modem and therefore has no effect on the manner that the DS200 utilizes the cellular modem.” Multitech, the manufacturer of the currently approved MTSCM-C2.N3 modem, made a small firmware change to the modem resulting in the need for an application for modification.

Staff believe this report supports the conclusion that the ES&S ECO 918 application for modification is a *de minimis* change, and does not require a rigorous testing campaign or direct Board approval. Staff recommends, pursuant to the 2010 Board policy on applications for approval of a modification and the 2015 clarification memorandum on equipment modifications, that the Director and General Counsel consult with the Board Chair, approve the application for modification, transmit the attached letter to ES&S granting GAB approval, and apprise the Board of this action at the April 29, 2015 Board meeting.

#### **Attachment**

- ✓ Letter of Approval (ES&S ECO 918)

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

April xx, 2015

Mr. Steve Pearson  
Vice President of Certification  
Corporate Headquarters  
Election Systems & Software, Inc.  
11208 John Galt Boulevard  
Omaha, NE 68137

Mr. Pearson:

As Director and General Counsel of the Wisconsin Government Accountability Board (Board), I am authorized by the Board to approve applications for *de minimis* voting system modifications to systems previously approved for use in Wisconsin.

Election Systems and Software (ES&S) submitted an application on March 26, 2015, for approval of a modification to the EVS 5.3.0.0. voting system, specifically the DS200 Precinct Scanner modem, to allow for the Multitech MTSCM-C2.N3-R1 (Verizon) cellular modem as an option due to the previously approved modem being at end of life. This modification is filed as ES&S Engineering Change Order (ECO) 918.

The VSTL report was completed by National Technical Systems, which is an accredited independent testing authority for FEC VSS-2002 and EAC VVSG-2005. The report indicates that the ECO is *de minimis* and did not require any additional testing. It concludes that the firmware change “is not related to the operation of the modem and therefore has no effect on the manner that the DS200 utilizes the cellular modem.”

Staff believe this report supports the conclusion that the ES&S ECO 918 application for modification is a *de minimis* change, and does not require a rigorous testing campaign or direct Board approval.

After a comprehensive staff review, I hereby issue approval for the application for approval of modification to a voting system previously approved for use in Wisconsin, ES&S ECO 918 for the EVS 5.3.0.0. voting system.

Pursuant to GAB §7.03(1), Wis. Adm. Code, upon approval of any modification to a previously approved voting system and as a condition of maintaining the Board’s approval for the use of the modified voting system, ES&S shall disclose all of the following to the Board in quarterly reports for so long as the voting system containing any approved modification is in use:

- A. Jurisdiction in which a modification was made and date of modification.
- B. Specific identification of the modification made including, but not limited to, the identification of the specific hardware part number or firmware/software version affected.
- C. Identification of the specific equipment upon which a modification was made.
- D. If no additional modifications were made to a voting system during the time period since a vendor's most recent quarterly report, then the vendor shall provide a letter certifying that no additional modifications were made in place of a full quarterly report.

The approval of the modification made to the EVS 5.3.0.0. voting system applies to the Government Accountability Board approval of the EVS 5.3.0.0. voting system at the September 4, 2014 meeting.

Pursuant to the Government Accountability Board's approval process, a statement of costs will be submitted under a separate cover letter and invoice.

Please note that we require written acceptance of the terms specified in this letter within 20 business days from the date of this letter. Questions should be referred to Matthew Kitzman of my staff.

Sincerely,



Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board

cc: Michael Haas  
Elections Division Administrator

Nathan Judnic  
Staff Counsel

Matthew Giesfeldt  
Staff Counsel

Matthew Kitzman  
Electronic Voting Systems Election Specialist

Mark Manganaro  
Wisconsin State Certification Manager  
Election Systems & Software

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## **MEMORANDUM**

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by:  
Matthew W. Giesfeldt, Staff Counsel

**SUBJECT:** Board Direction to Promulgate Administrative Rules

### **I. Introduction:**

In January 2015, the Government Accountability Board (“G.A.B.” or “Board”) authorized G.A.B. staff to initiate both the promulgation process and the repeal/removal process for several administrative rules. G.A.B. staff has determined that additional administrative rules also need to be promulgated. G.A.B. staff requests that the Board grant staff the authority to begin work on several more administrative rules to meet statutory requirements and to remove administrative rules no longer in effect.

### **II. Status of Board-Approved Promulgation:**

The Board has already directed G.A.B. staff to initiate the promulgation process for several rules. Those rules, along with their current promulgation status, are summarized as follows:

#### 1. Use of Technical College IDs for Voting Purposes

In 2011, pursuant to a directive from the Joint Committee for the Review of Administrative Rules (“JCRAR”), the Board directed staff to promulgate a rule to clarify that Wis. STAT. §5.02(6m), as created by 2011 Wisconsin Act 23, includes Wisconsin Technical College System student identification cards in the list of acceptable forms of photo identification which may be used for voting purposes. When Federal and State courts stayed the implementation of Act 23, staff stopped working on promulgating this rule in order to comply with the court orders. Recently, the U.S. Supreme Court denied certiorari on the last challenge to Act 23, and the Wisconsin Attorney General advised G.A.B. Director and General Counsel Kevin Kennedy that Act 23 would be the

law of Wisconsin for all elections after April 7, 2015. Given that there will be two Wisconsin elections on May 19, 2015, G.A.B. staff has worked to promulgate an *emergency* rule to be in place prior to that date.

The status of the *emergency* rule is as follows:

SS <sup>1</sup> drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB <sup>2</sup> for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
Yes	March 31, 2015	April 3, 2015	April 3, 2015	April 13, 2015 <sup>3</sup>	April 23, 2015

The Board may now review for approval the Statement of Scope that has been published in the Wisconsin Administrative Register for the requisite ten days. That Statement of Scope follows this memorandum as “Attachment 1.”

After the promulgation process for the emergency rule is complete, G.A.B. staff will work to promulgate the permanent rule.

2. Use of Stickers on College Identification Cards for Voting Purposes

In response to 2011 Wisconsin Act 23 (the “Photo ID Law”), on November 9, 2011, the Board authorized the use of stickers or labels affixed to student identification cards to satisfy photo identification requirements of the Photo ID Law. On November 15, 2011, JCRAR directed the Board to promulgate an emergency rule addressing the use of stickers on student photo identification cards. G.A.B. staff proceeded with the promulgation process and offered the Statement of Scope to the Board for consideration and approval on May 15, 2012. That Statement follows this memorandum as “Attachment 2.” However, promulgation of this rule did not occur due to the court-imposed stays on the implementation of the Photo ID Law.

Consistent with WIS. STAT. §§5.02(6m)(f) and 5.02(16c) and the Statement of Scope previously drafted, the proposed rule would specify that stickers affixed to compliant identification cards a) must be tamper-evident so that removal of the sticker would make it unusable; b) must not obscure other information on the card; c) must include an indication that it was issued by the institution (i.e., a school logo or identifier); d) must be affixed by personnel of the institution; and e) may contain only the cardholder’s signature and the issuance and expiration dates of the card.

Now that the judicial process has allowed for the Photo ID Law to be implemented, staff will revise and re-submit a Statement of Scope to the Governor’s office for approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
First draft	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> For this section, “Statement of Scope” is abbreviated as “SS.”

<sup>2</sup> For this section, “Legislative Reference Bureau” is abbreviated as “LRB.”

<sup>3</sup> The publication is available at <https://docs.legis.wisconsin.gov/code/register/2015/712A2/register#ss>.

3. Contents of Training that Municipal Clerks Must Provide to Election Inspectors and Special Voting Deputies

WIS. STAT. §7.315(1)(a) provides that the Board shall promulgate rules describing “the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, to special voting deputies[,] . . . and to special registration deputies[.]” WIS. ADMIN CODE GAB §3.12 already provides the contents of training for special registration deputies, but no rule exists to provide the contents of training for election inspectors and special voting deputies. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
Yes	April 14, 2015	Awaiting approval	N/A	N/A	N/A

No further work on the rule can take place until the Governor approves the Statement of Scope and, subsequently, the Board approves it after publication in the Administrative Register.

4. Standards for Determining Validity of Votes Cast with Electronic Voting Equipment

WIS. STAT. §5.87(2) provides that the Board shall promulgate rules to “prescribe uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system approved for use in this state[.]” G.A.B. staff started the promulgation process in 2013, and now, staff will revise and re-submit a Statement of Scope to the Governor’s office for approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
First draft	N/A	N/A	N/A	N/A	N/A

5. Security, Review, and Verification of Software Used with Electronic Voting Equipment

WIS. STAT. §§5.40(2), 5.76, 5.77, 5.905, 5.91, 5.92, and 7.23(1)(g) provide that the Board shall promulgate rules that describe the security, review, and verification of software used with electronic voting equipment. Staff submitted the Statement of Scope to the Governor and is now awaiting the Governor’s approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
Yes	April 9, 2015	Awaiting approval	N/A	N/A	N/A

No further work on the rule can take place until the Governor approves the Statement of Scope and, subsequently, the Board approves it after publication in the Administrative Register.

6. Ballot Security and Interpreting WIS. STAT. §§5.84, 5.86, 5.87, 5.905, 5.91, 7.23, 7.51, and 9.01

The Board’s rule on ballot security under WIS. STAT. §§7.23 and 7.51 has become outdated. In 2013, G.A.B. staff started the promulgation process, and will now revise and re-submit a Statement of Scope to the Governor’s office for approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
First draft	N/A	N/A	N/A	N/A	N/A

7. Administer Statutory Requirements for Electronic Voting Systems

WIS. STAT. §7.08(1)(d) provides that the Board shall “promulgate rules for the administration of the statutory requirements for voting machines and electronic voting systems and any other voting apparatus which may be introduced in this state for use at elections.” This is a general requirement that may be partially satisfied with the promulgation of other rules. G.A.B. staff anticipates producing the Statement of Scope for any rules under this statute after first initiating the promulgation process for other rules related to electronic voting systems. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
No	N/A	N/A	N/A	N/A	N/A

8. Election Notices that Clerks Must Use to Inform Public About Elections

WIS. STAT. §10.01(1) provides that the Board shall make rules to describe the “form of the various election notices[.]” This information is already contained in the G.A.B.’s Election Administration Manual<sup>4</sup> at pages 37-45, but G.A.B. staff will now commence the process to promulgate this information as administrative rules. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
No	N/A	N/A	N/A	N/A	N/A

9. Responsibilities of Clerks for Maintaining Records in the Statewide Voter Registration System

At its January 13, 2015, meeting, the Board directed staff to promulgate rules to clarify local election officials’ responsibilities in registering individuals to vote to improve voter registration records. WIS. STAT. §5.05(1)(f) generally provides the Board with the authority to administer elections, which includes maintaining records in the Statewide Voter Registration System (“SVRS”). In 2012 and 2013, G.A.B. staff began the promulgation process to amend WIS. ADMIN

<sup>4</sup> WIS. GOV’T ACCOUNTABILITY BD., ELECTIONS DIV., ELECTION ADMINISTRATION MANUAL FOR WISCONSIN ELECTION OFFICIALS (Aug. 2014), pp37-45, available at <http://gab.wi.gov/clerk/education-training/election-day-manual>.

CODE GAB, Ch. 3, and staff now will complete the drafting of a Statement of Scope to submit to the Governor for consideration and approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
No	N/A	N/A	N/A	N/A	N/A

10. Conduct and Regulation of Election Observers to Monitor Compliance with Election Laws by Local Election Officials

At its January 13, 2015, meeting, the Board directed staff to promulgate rules to govern the conduct and regulation of election observers to monitor compliance with election laws by local election officials. The Board directed staff to do so pursuant to WIS. STAT. §§5.05(1)(f), 6.855, and 7.41, which govern alternate absentee ballot sites and the public’s right to access polling places. In 2010, G.A.B. staff began the promulgation process to amend WIS. ADMIN CODE GAB, Ch. 4. Following consideration by the Board at several public hearings and Board meetings, Board staff submitted a proposed final rule to the Legislature in 2014. The Board subsequently incorporated several changes requested by the Legislature and submitted a revised proposed final rule to the Legislature’s oversight committees. The committees did not act on the final versions of the rule prior to the end of 2014, and therefore the promulgation process must start over. Staff will draft a new Statement of Scope to submit to the Governor for consideration and approval. The full status of this rule is as follows:

SS drafted?	SS submitted to Governor?	SS approved by Governor?	SS submitted to LRB for publication?	SS published in Admin. Register?	10-day publication in Admin. Register?
First draft	N/A	N/A	N/A	N/A	N/A

**III. Proposed Promulgation:**

The Board has not provided authority to G.A.B. staff to initiate the promulgation process for the rules summarized below. The Legislative Audit Bureau (“LAB”) recommended that the G.A.B. promulgate some of these rules, and G.A.B. staff recommends that the Board promulgate others.

1. Procedures for Ethics and Elections Complaints

In 2013, G.A.B. staff prepared a Statement of Scope for a proposed amendment of WIS. ADMIN CODE GAB §20.01 and repeal of WIS. ADMIN CODE GAB §§21.01 and 21.04. That Statement follows this memorandum as “Attachment 3.” The Board sought to make such changes because those administrative rules were and are no longer operable due to the merger of the State Ethics Board and the State Elections Board under 2007 Wisconsin Act 1.

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including the proposed rules described in Attachment 3. Staff recommends that the Board authorize promulgation of such rules.

2. Acceptable Proofs of Residence (Including Electronic)

WIS. STAT. §6.34(3) provides that electors shall provide proof of residence to register to vote. Under the statute, acceptable proofs of residence include a “utility bill for the period commencing not earlier than 90 days before the day registration is made[,]” a “bank statement[,]” and “paycheck[.]” WIS. STAT. §6.34(3)(a)8.-10. The statute is not explicit as to whether a utility bill includes a cell phone bill, whether a bank statement includes an investment account statement, and whether a paycheck includes a pay stub or an electronic paycheck. The Board’s current policy is to accept electronic proofs of residence, cell phone bills, paystubs in lieu of paychecks, and statements of a depository account (not solely investment accounts).

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including these proposed rules regarding proofs of residence. Staff recommends that the Board authorize promulgation of such rules consistent with its existing policies to implement WIS. STAT. §6.34(3).

3. U.S. Citizen As Witness for Overseas Voter

WIS. STAT. §6.24 requires that an overseas voter obtain the signature of a United States citizen as a witness when completing the absentee ballot transmittal certificate. In October 2014, the Board authorized a United States citizen to serve as a witness for an overseas voter via Skype, an online video-conferencing service. The voter sent the ballot to the witness for the witness’s signature and certification. The witness then sent the ballot to the clerk at the direction of the absentee voter.

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including rules regarding the procedure for using a United States citizen as a witness for an overseas absentee voter. Staff recommends that the Board authorize promulgation of rules consistent with the procedure it authorized in October 2014, as described in the paragraph above.

4. Procedures for Curbside Voting

WIS. STAT. §6.82(1) permits any elector who, as a result of a disability, is unable to enter the polling place, elect to receive a ballot at the entrance of the polling place. The Board already advises clerks on this practice, referred to as “curbside voting.”

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including regarding the procedure for curbside voting. Staff recommends that the Board authorize promulgation of rules to prescribe specific curbside voting procedures.

5. Definition of “Same Grounds” for Voting Purposes in WIS. STAT. §6.875(3)(b)

WIS. STAT. §6.875(3)(b) provides that “[i]f a retirement home that is not a qualified retirement home is located within a municipality on the *same grounds* as one or more residential care facilities to which the municipal clerk . . . dispatches special voting deputies[,] . . . the municipal clerk . . . shall obtain from the management of the retirement home the names and addresses of the occupants of the homes [and] . . . provide the names and addresses to the special voting deputies” (emphasis added). The term “same grounds” is not defined in the statutes and has created some confusion among local election officials.

Pursuant to its authority under WIS. STAT. §5.05(1)(f), staff recommends that the Board direct it to promulgate a rule to more specifically define the term consistent with its administrative application of the statute. Alternatively, staff recommends that the Board direct staff to seek further clarification through legislative action.

6. Synchronization of Certification Terms for Municipal Clerks, Special Registration Deputies, and Election Inspectors

On August 13, 2013, G.A.B. staff asked the Board to direct staff to work to promulgate rules that would synchronize the certification terms for municipal clerks, special registration deputies, and election inspectors. Current rules provide staggered certification terms. The Board directed staff to promulgate rules to make the training cycles of municipal clerks and special registration deputies consistent with those of election inspectors. Staff worked to promulgate an emergency rule, but no permanent rule was ever promulgated, so staff must now submit a Statement of Scope to the Governor for approval to re-initiate the promulgation process.

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including regarding certification for election officials. Staff recommends that the Board authorize promulgation of rules to synchronize the certification terms for municipal clerks, special registration deputies, and election inspectors.

7. Applications for Approval of Modification to Voting Systems Previously Approved for Use in Wisconsin

In another memorandum to the Board for this meeting (*Agenda Item I*), staff requests that the Board consider a recommendation regarding applications for approval of modifications to voting systems previously approved for use in Wisconsin.

Pursuant to WIS. STAT. §5.05(1)(f), the Board is authorized to promulgate rules for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration, including the procedures for approval of modification to voting systems. In 2010, the Board authorized staff to promulgate administrative rules to enact the policy and procedural requirements adopted by the Board at that time. Staff recommends that the

Board authorize promulgation of rules to describe revised procedures, as described in the accompanying memorandum.

#### **IV. Status of Rules No Longer In Effect:**

The Board was created by 2007 Wisconsin Act 1 (“Act 1”), which merged the State Elections Board and State Ethics Board into the singular Government Accountability Board. Act 1 prescribed the procedure for the Board to re-promulgate rules from the two former agencies into rules for the one singular agency. *See* 2007 Wisconsin Act 1, §§209(2)(e), and (3)(e). Upon the inception of the agency, the Board did not reauthorize WIS. ADMIN CODE GAB §§1.29, 1.41, 1.55, 20.01, 21.01, 21.04, and chs. 4, 5.

At its April 10, 2015, meeting, the Board directed staff to determine the status of administrative rules that the Board did not act upon at the inception of the agency. With regard to the status of elections and ethics rules upon inception of the G.A.B., the Act 1 provides as follows:

Within one year after the initiation date, the board shall hold one or more public hearings on the question of reaffirmation of each rule that has been promulgated . . . . Except as authorized by this paragraph, every rule promulgated by the [ethics and elections] board that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until the end of the 365-day period beginning on the initiation date, whichever is earlier, unless that board amends or repeals the rule, effective on an earlier date, or unless that board specifically votes to reaffirm the rule. . . . Any action by the board to amend or repeal a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The board may extend the expiration date of any rule . . . for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the expiration date of any rule or order by more than 6 months in all.

Act 1, §§209(2)(e), and (3)(e).

If the Board did not reauthorize a rule, that rule is no longer in effect. Act 1 provides that a rule “remains in effect . . . until its specific expiration date or until the end of the 365-day period . . . unless that board specifically votes to reaffirm the rule.” Act 1, §§209(2)(e), and (3)(e). The Board took no action to reaffirm certain rules, so under the plain language of the statute, these rules were not in effect as of their expiration dates (either 365 days after the initiation date of the Board or at a Board-prescribed expiration date).

At its April 10, 2015, meeting, the Board directed staff to determine how the Board’s decision not to reaffirm certain rules affected the current status of those rules and then act to repeal such rules accordingly. Therefore, G.A.B. staff will work with the Legislative Reference Bureau (“LRB”) to attempt to administratively remove these rules from the Code without the formal promulgation process. If that is unsuccessful, staff will repeal the rules no longer in effect through the regular promulgation process.<sup>5</sup>

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<sup>5</sup> 2015 Assembly Bill 80, if enacted into law, would provide agencies an expedited process to repeal rules no longer in effect or authorized. Staff will utilize this process if possible.

**V. Summary:**

A table summarizing the G.A.B.'s proposed administrative rules and the status of each rule follows this memorandum as "Attachment 4."

**VI. Recommendations and Proposed Motions:**

1. **MOTION:** The Board approves the Statement of Scope, Attachment 1, for a proposed emergency administrative rule regarding the use of technical college identification cards as acceptable forms of identification under WIS. STAT. §5.02(6m)(f) and 6.15(2)(bm). Pursuant to WIS. STAT. §§5.05(1)(f), 227.11(2)(a), 227.135, and Executive Order #50, staff shall take all necessary steps to draft the proposed rule and submit the draft language to the Governor for approval.
2. **MOTION:** Pursuant to WIS. STAT. §§5.05(1)(f), 227.11(2)(a), 227.135, and Executive Order #50, staff shall take all necessary steps to draft Statements of Scope and submit such Statements to the Governor regarding the following proposed administrative rules:
  - a. Procedures for Ethics and Elections Complaints
  - b. Acceptable Proofs of Residence (Including Electronic)
  - c. U.S. Citizen As Witness for Overseas Voter
  - d. Procedures for Curbside Voting
  - e. Definition of "Same Grounds" for Voting Purposes
  - f. Synchronization of Certification Terms for Municipal Clerks, Special Registration Deputies, and Election Inspectors
  - g. Applications for Approval of Modification to Voting Systems Previously Approved for Use in Wisconsin



**STATEMENT OF SCOPE  
PURSUANT TO WIS. STAT. § 227.135  
GOVERNMENT ACCOUNTABILITY BOARD**

**Rule No.:** GAB Ch. 10

**Relating to:** Use of Technical College System Student Identification Cards for Voting

**Rule Type:** Emergency and Permanent

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

On November 15, 2011, the Joint Committee for Review of Administrative Rules (“JCRAR”) ordered the Government Accountability Board (“Board” or “G.A.B.”) to promulgate an emergency rule, pursuant to WIS. STAT. §227.26(2)(b), to allow for the use of technical college system student identification cards to meet the photo identification requirements of 2011 Wisconsin Act 23 (“Photo ID Law”), which was enacted on May 25, 2011. The Photo ID Law requires that electors present a photo identification to vote.

The G.A.B. suspended the promulgation process when state and federal courts stayed the implementation of the Photo ID Law pending further judicial review as to its state and federal constitutionality. On March 23, 2015, the United States Supreme Court denied certiorari on the federal challenge to the Photo ID Law. *See* U.S. Supreme Court Order List, No. 14-803, p. 3 (“*Ruthelle Frank, et al v. Walker, Gov. of WI, et al*”), available at [http://www.supremecourt.gov/orders/courtorders/032315zor\\_b97d.pdf](http://www.supremecourt.gov/orders/courtorders/032315zor_b97d.pdf). According to Wisconsin Attorney General, the Honorable Brad Schimel, such denial constituted the last judicial barrier to implementation of the Photo ID Law. *See* GAB, *No Photo ID Required at April Election* (Mar. 23, 2015), available at <http://gab.wi.gov/node/3580>. Plaintiffs in the federal Photo ID Law case filed additional motions that are currently pending, but the G.A.B., at the advice of the Attorney General, takes the position that the Photo ID Law stands and should be implemented for elections occurring after April 7, 2015.

The Board anticipates that at least two school districts will hold special elections on May 19, 2015. The Board anticipates that other special elections are likely this spring, including a potential special election for a state senatorial district. Board staff believes that the Board must promulgate an emergency rule to take effect before the May 19, 2015 special elections, so that the Photo ID Law may be fully and properly implemented for those elections and any other elections soon thereafter.

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

The proposed rule implements a November 2011 directive from the Joint Committee for the Review of Administrative Rules (JCRAR). That directive requires the G.A.B. to promulgate an emergency rule specifying that a Wisconsin Technical College System

## ATTACHMENT 1

("WTCS") student identification card may be used as acceptable identification for voting.<sup>1</sup>

### **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:**

In the Photo ID Law, the Legislature established a voter identification requirement for electors to receive a ballot. The legislation delineates the types of identification that may be used to meet the requirement. WIS. STAT. §5.02 (6m). These types of identification are:

1. An operator's license issued under ch. 343;
2. An identification card issued under s. 343.50;
3. An identification card issued by a U.S. uniformed service;
4. A U.S. passport;
5. A certificate of U.S. naturalization;
6. An unexpired driving receipt under s. 343.11;
7. An unexpired identification card receipt under s. 343.50;
8. An identification card issued by a federally recognized Indian tribe in this state;
9. An unexpired identification card issued by a university or college in this state that is accredited as defined in s. 39.30 (1)(d).

The Photo ID Law will be implemented for the May 19, 2015 special elections and every election thereafter (pending any potential future legislative or judicial activity). Thus, there is no existing guidance or clarification that a WTCS student identification card is an "unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.90(1)[.]" WIS. STAT. §5.02(6m)(f).

#### **Proposed Policy:**

The proposed rule clarifies that a WTCS student identification card is included in the description of student identification cards that may be used as acceptable identification in order to receive a ballot.

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<sup>1</sup> WIS. STAT. §6.15(2)(bm) provides that electors must provide "proof of identification" to apply to vote. "Identification" is defined to include "[a]n identification card issued by a university or college in this state that is accredited, as defined in s. 39.30(1)(d)[.]" WIS. STAT. §5.02(6m)(f). An accredited college is an "institution accredited by a nationally recognized accrediting agency . . . or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited." WIS. STAT. §39.30(1)(d); *see also* Paragraph 3 of this Statement of Scope.

## ATTACHMENT 1

On November 9, 2011, the Board made a determination that a Wisconsin Technical College System institution is accredited under WIS. STAT. §39.30 (1)(d).<sup>2</sup> Based on that determination, the Board directed G.A.B. staff to include WTCS student identification cards as an acceptable form of identification for voting in its training and educational materials as part of the agency's responsibility to administer the voter identification law pursuant to WIS. STAT. §5.05 (1); *see also* Section 144(1) of 2011 Wisconsin Act 23 (“[T]he government accountability board shall conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements of this act.”).

### **Alternatives:**

The alternative to promulgating this rule is to significantly restrict the number of electors who may use a student identification card in order to receive a ballot and to create potential confusion for clerks and voters regarding acceptable forms of voter identification on Election Day. The Board originally addressed this issue because G.A.B. staff raised a question about legislative intent as it was developing its implementation approach to training local election officials and educating the public on the voter identification requirement. The issue will again be raised and need to be clarified as the May 19, 2015 special elections approach.

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

##### **General Authority**

WIS. STAT. §5.05(1) provides that the G.A.B. has “the responsibility for the administration of chs. 5 to 12, other laws relating to elections and election campaigns, subch. III of ch. 13, and subch. III of ch. 19.” The G.A.B. may “[p]romulgate rules under ch. 227 applicable to all jurisdictions for the purpose of interpreting or implementing the laws regulating the conduct of elections . . . or ensuring their proper administration.” WIS. STAT. §5.05(1)(f).

The Photo ID Law enacted and amended statutes in chs. 5 and 6. *See* 2011 Wisconsin Act 23. Thus, the G.A.B. has the statutory authority to promulgate the proposed rule to ensure the proper administration of elections.

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<sup>2</sup>In 2011, the Board analyzed the Photo ID Law to determine that an unexpired WTCS student identification card met the statutory definition found in WIS. STAT. §5.02(6m)(f). The Board determined that WTCS institutions are accredited under WIS. STAT. §39.30(1)(d). In making this determination, the Board considered advice from G.A.B. staff regarding the accepted rules of statutory interpretation, starting with the plain language. The Board also considered G.A.B. staff information regarding the legislative history of the applicable statutes. In making its determination, the Board did *not* consider whether permitting the use of WTCS student identification cards was good public policy.

### **Emergency Rule Authority**

The agency is authorized to promulgate the rule as an emergency rule because it was previously directed to do so by the JCRAR pursuant to WIS. STAT. §§227.10 (1), 227.26 (2).

Further, Board staff believes that an emergency rule is necessary to preserve the public peace and welfare<sup>3</sup> by 1) properly implementing the Legislature's enacted policy, and 2) remedying potential public confusion about the status of the Photo ID Law and how voters comply with it. Therefore, an emergency rule is necessary to preserving the public peace and welfare before the May 19, 2015 special elections.

Finally, on November 22, 2011, the G.A.B. submitted a Statement of Scope, substantially similar to this Statement, to the Governor. On December 2, 2011, the Governor approved that Statement. *See* Letter from Gov. Scott Walker to Director Kevin Kennedy (Dec. 2, 2011) (attached hereto as "Exhibit A"). Pursuant to Executive Order #50, Sec. II, Para. 9, an agency must file an approved statement of scope to the "Legislative Reference Bureau within "thirty calendar days of approval if the agency intends to proceed with rulemaking[.]" Given that the G.A.B. did not implement the emergency rule in 2011 due to the court-ordered stays, the Board now must submit a new Statement of Scope to the Governor for approval. This Statement of Scope describes the same objective as did the 2011 Statement, and the Board staff requests the Governor to make a similar approval now.

### **Permanent Rule**

The agency plans to promulgate this rule as both an emergency rule and a permanent rule. This scope statement is submitted in support of both the emergency rule and the permanent rule.

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

10 hours.

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

WTCS institutions desiring to issue student identification cards acceptable for voting purposes will be affected by this rule. All students at a WTCS institution also will be affected by this rule as well as Wisconsin's 1,852 municipal clerks responsible for administering elections and approximately 25,000 poll workers who staff voting locations

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<sup>3</sup> WIS. STAT. §227.24(1)(a) provides that "[a]n agency may promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements under this chapter if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures."

on Election Day. The impact of the rule will be on town, village and city government. The rule does not impact businesses, private economic sectors or public utility ratepayers.

**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 2002 federal Help America Vote Act (HAVA), 42 USC §15301 et seq., contains a provision requiring states to receive identification from individuals who register to vote for the first time, by mail. HAVA §303 (b)(2)(A)(i)(I). That requirement is a voter registration requirement and is a more general requirement than the state identification requirement for receiving a ballot. The federal requirement simply refers to “current and valid photo identification.” The federal requirement does not delineate specific types of photo identification as does the Wisconsin statute.

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

The rule will have minimal or no impact on the governmental entities impacted by the rule. Municipal clerks and poll workers will be provided with informational and training materials on the acceptable forms of identification for voting. This rule merely clarifies that WTCS student identification cards are an “unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.90(1)[.]” Wis. STAT. §5.02(6m)(f). The rule will eliminate possible confusion if a voter offers a technical college student identification card when appearing at the polling place to vote. This rule will not have an impact on small businesses.

**Contact person:** Matthew W. Giesfeldt  
[matthew.giesfeldt@wisconsin.gov](mailto:matthew.giesfeldt@wisconsin.gov), (608) 266-2094



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Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

March 31, 2015  
Date Submitted



**Statement of Scope**  
**Government Accountability Board**  
**Use of Stickers on Photo Identification Cards**

**Subject**

Creates new section of GAB Chapter 10 and clarifies that accredited universities and colleges which issue an identification card for voting purposes may use an adhesive sticker to affix certain required information on the identification card, including the cardholder's signature as well as the issuance and expiration dates of the card.

**Objective of the Rule**

The proposed rule implements a directive from the Joint Committee for the Review of Administrative Rules (JCRAR). The directive requires the Government Accountability Board (G.A.B.) to promulgate an emergency rule specifying that adhesive stickers may be used to affix certain required information to identification cards issued by accredited institutions for the purpose of voting.

**Emergency Rule Authority**

The agency is authorized to promulgate the rule as an emergency rule because it has been directed to do so by the Joint Committee for the Review of Administrative Rules pursuant to Wis. Stats. §§227.10 (1), 227.26 (2).

**Permanent Rule**

The agency plans to promulgate this rule as both an emergency rule and a permanent rule. This scope statement is submitted in support of both the emergency rule and the permanent rule.

**Policy Analysis**

Sections 5.02(6m)(f), Stats., describes one of the acceptable forms of identification that may be used to obtain an election ballot as follows:

An unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.20(1)(d), that contains the date of issuance and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented.

Section 5.02(16c), Stats., further provides that an acceptable form of proof of identification must contain the cardholder's name and photograph.

## ATTACHMENT 2

At its meetings of September 12, 2011 and November 9, 2011, the G.A.B. adopted motions to permit accredited universities and colleges to use stickers on identification cards as a means of complying with the provisions of Section 5.02, Stats. The Board's determination was made in response to inquiries from several public and private institutions indicating that current student identification cards would not comply with the requirements of the law and that they wished to consider using stickers to affix information to existing cards as a cost-effective method of providing voter-compliant proof of identification.

The Board's analysis applied judicially accepted rules of statutory interpretation. It looked first to the plain language of the statute, which requires that identification cards must "contain" certain data. In the absence of an applicable statutory definition of college or university, the Board relied on commonly used dictionary definitions of the term "contain" which include "to have within" and "include." The Board determined that permitting the cardholder's signature and the issuance and expiration dates of the card to be affixed by an adhesive sticker with sufficient security and verification safeguards would comply with the provisions of Section 5.02, Stats.

The proposed rule would specify that stickers affixed to compliant identification cards (1) must be tamper-evident so that removal of the sticker would make it unusable; (2) must not obscure other information on card; (3) must include an indication that it was issued by the institution such as a school logo or identifier; (4) must be affixed by personnel of the institution; and (5) may contain only the cardholders signature and the issuance and expiration dates of the card.

On November 15, 2011, the Joint Committee for the Review of Administrative Rules adopted a motion finding that the G.A.B.'s action regarding the use of stickers on student identification cards is a statement of policy that meets the definition of a rule pursuant to Chapter 227 of the Wisconsin Statutes.

The alternative to promulgating this rule is to restrict the options for accredited institutions to comply with the statutory requirements regarding photo identification cards and to require that all data be included as part of the originally-produced card at a higher cost to the institutions.

### **Statutory Authority**

The Board issued its determination pursuant to its responsibility and authority to issue advisory opinions under Section 5.05(6a), Stats., and to conduct voter education under Section 5.05(12), Stats. However, given the directive of JCRAR, Section 5.05(1)(f) Stats., provides explicit authority for the G.A.B. to promulgate rules to ensure the proper administration of elections. Section 227.11(2)(a), Stats., provides clear authority for the G.A.B. to promulgate rules to ensure the proper administration of statutes under its jurisdiction, which includes laws related to the administration of elections.

## ATTACHMENT 2

### **Comparison with Federal Regulations**

Federal law does not address or establish standards or rules for the issuance of photo identification cards for the purposes of obtaining an election ballot.

### **Entities Affected by the Rules**

Accredited institutions desiring to issue photo identification cards to be used for voting purposes, as well as potential holders of such cards will be affected by this rule. Local election officials and poll workers who review identification cards as part of the voting process will also be affected by this rule. The rule does not impact businesses, private economic sectors or public utility ratepayers.

### **Economic Impact**

The rule will have minimal or no impact on the governmental entities impacted by the rule, except to the extent that public universities or colleges desire to use adhesive stickers as a means of producing photo identification cards to be used for voting. The rule would clarify the options available for accredited institutions in issuing such cards.

### **Estimate of Time Needed to Develop the Rules**

40 hours.

### **Approval by the Governor**

This Statement of Scope was approved by the Governor in writing on January 13, 2012.



## STATEMENT OF SCOPE

### Government Accountability Board

**Rule No.:** Amend GAB 20.01 and repeal of GAB 21.01 and 21.04

**Relating to:** Complaint Procedure and enforcement of campaign finance, lobbying and ethics laws relating to ss.5.05(1)(f), 5.05(2)(m), 5.93, 11.60, 13.69, 19.55, 227.11(2)(a) and interpreting Subchapter I of Chapter 5 of the Wisconsin Statutes.

**Rule Type:** Permanent

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

N/A

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

This rule repeals rules sections GAB 21.01 and 21.04 and amends GAB 20.01 as they are no longer operable subsequent to the merger of the State Ethics Board with the State Elections Board under 2007 Wisconsin Act 1. These rules prescribe procedures relating to processing complaints that were propagated under those particular state agencies. Because those agencies merged into the Government Accountability Board under 2007 Wisconsin Act 1, the associated complaint procedure of the former Ethics Board and the campaign finance complaint procedure of the former Elections Board are no longer consistent with current practices. The Government Accountability Board complaint procedures are provided by statute and not by administrative rule; therefore, the existing rules need to be repaired and repealed.

**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: The existing policy prescribes rules that were intended for agencies that no longer exist and delineate complaint procedures that are inaccurate (e.g., the GAB address that is given in GAB 21.01 is not the address of the GAB's current location) or are superfluous to procedures that are prescribed in state statutes.

Proposed policy: Repealed GAB 21.01 and 21.04 will reconcile the administrative code with the statutory changes that have occurred since 2007 and the amended GAB 20.01 will accurately describe the provisions in the state statutes consistent with the complaint procedures currently in effect at the Government Accountability Board.

Alternatives:

A) Do Nothing – leave chapters 20 and 21 as they are.

- 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.

ATTACHMENT 3

- 2) Cons: The absence of rule revision and repeal in this instance will perpetuate out of date procedures and leave intact inaccurate rules in the administrative code.

**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., establishes that the board may promulgate “reasonable rules” for its 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:**

10-15 hours

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

This rule will affect those wishing to file complaints with the Board pursuant to enforcement of the election laws and in compliance with the Help America Vote Act.

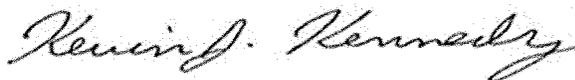
**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

Because this proposal repeals two existing former Ethics Boards rules and effectively repeals a portion of a former Elections Board rule, there is no congruent federal regulation for comparison.

**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.

**Contact Person:** Shane Falk, 608-266-2094, shane.falk@wisconsin.gov.



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Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

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July 8, 2013  
Date Submitted

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
 Chair

KEVIN J. KENNEDY  
 Director and General Counsel

## ATTACHMENT 4: Status of Administrative Rules

Proposed Rule:	Board Directive to Promulgate:	Status:
Use of Technical College IDs for Voting Purposes	November – December 2011	<ul style="list-style-type: none"> <li>Statement of Scope drafted</li> <li>Statement of Scope submitted to the Governor (3/30/15)</li> <li>Statement of Scope published in the Administrative Register (4/13/15)</li> <li>Statement of Scope ready for Board consideration and approval (4/29/15)</li> <li>Permanent rule to use same Statement of Scope as emergency rule, and promulgation of permanent rule to commence after emergency rule</li> </ul>
Use of Stickers on College Identification Cards for Voting Purposes	November – December 2011	<ul style="list-style-type: none"> <li>Staff completed first draft of Statement of Scope submitted draft to the Board on May 15, 2012</li> </ul>
Contents of Training that Municipal Clerks Must Provide to Election Inspectors and Special Voting Deputies	January 13, 2015	<ul style="list-style-type: none"> <li>Statement of Scope drafted</li> <li>Statement of Scope submitted to the Governor (4/14/15)</li> </ul>
Standards for Determining Validity of Votes Cast with Electronic Voting Equipment	January 13, 2015	<ul style="list-style-type: none"> <li>Staff completed first draft of Statement of Scope in 2013</li> </ul>
Security, Review, and Verification of Software Used with Electronic Voting Equipment	January 13, 2015	<ul style="list-style-type: none"> <li>Statement of Scope drafted</li> <li>Statement of Scope submitted to the Governor (4/9/2015)</li> </ul>
Ballot Security and Interpreting WIS. STAT. §§5.84, 5.86, 5.87, 5.905, 5.91, 7.23, 7.51, and 9.01	January 13, 2015	<ul style="list-style-type: none"> <li>Staff completed first draft of Statement of Scope in 2013</li> </ul>
Administer Statutory Requirements for Electronic Voting Systems	January 13, 2015	<ul style="list-style-type: none"> <li>Staff has not commenced work on the Statement of Scope</li> </ul>
Election Notices that Clerks Must Use to Inform Public About Elections	January 13, 2015	<ul style="list-style-type: none"> <li>Staff has not commenced work on the Statement of Scope</li> </ul>

Responsibilities of Clerks for Maintaining Records in the Statewide Voter Registration System	January 13, 2015	<ul style="list-style-type: none"> <li>Staff has not commenced work on the Statement of Scope</li> </ul>
Conduct and Regulation of Election Observers to Monitor Compliance with Election Laws by Local Officials	January 13, 2015	<ul style="list-style-type: none"> <li>Staff submitted a proposal final rule to the Legislature in 2014, but the Legislature did not act to promulgate the rules, so the promulgation process must start over.</li> </ul>
Procedures for Ethics and Elections Complaints	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Acceptable Proofs of Residence (Including Electronic)	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
U.S. Citizen as Witness for Overseas Voter	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Procedures for Curbside Voting	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Definition of "Same Grounds" for Voting Purposes in WIS. STAT. §6.875(3)(b)	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Synchronization of Certification Terms for Municipal Clerks, Special Registration Deputies, and Election Inspectors	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Applications for Approval of Modification to Voting Systems Previously Approved for Use in Wisconsin	N/A	<ul style="list-style-type: none"> <li>Staff awaiting Board directive to promulgate</li> </ul>
Removal of Rules No Longer In Effect	January 13, 2015	<ul style="list-style-type: none"> <li>Staff drafting correspondence to Legislative Reference Bureau to remove rules no longer in effect pursuant to 2007 Wisconsin Act 1</li> </ul>

# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel

Prepared and Presented by:  
Ann Oberle, Testing Lead, Statewide Voter Registration System  
Ross Hein, Elections Supervisor

**SUBJECT:** Requests for Approval of Purchase of Services

Pursuant to the revised delegation of authority approved by the Board at its meeting of March 4, 2015, the following two purchasing requests are submitted for the Board's consideration and approval:

1. Approval to Post Request for Bid

G.A.B. staff is requesting Board approval to post a Request for Bid for printing and mailing services to print and mail the Notices of Suspension of Registration which are statutorily required to be sent following the 2014 General Election. The estimated cost of this process is approximately \$30,000. Prior approval to post any Request for Bid is required under the Board's delegation of contract authority.

No later than June 15 following each general election, Wisconsin Statute §6.50(1) directs the Government Accountability Board to examine voter registration records for each municipality and identify each qualified elector who has not voted within the previous four years, and then mail a Notice of Suspension of Registration to the elector. This process of updating the registration list is commonly referred to as "four-year maintenance," and state statute requires that the audit and mailing be completed every two years.

Prior to the enactment of 2013 Wisconsin Act 149, municipal clerks were required to perform the four-year maintenance and send the required mailings. However, in response to recommendations made by the Legislative Audit Bureau (LAB) in the audits conducted in 2005 and 2007, the G.A.B. performed the four-year maintenance on behalf of the municipal clerks following the 2008, 2010 and 2012 general elections. The G.A.B. has assumed the responsibility for mailing the notices on behalf of clerks since 2008 to ensure that the process was completed uniformly and cost-effectively across the state. 2013 Wisconsin Act 149 formally transferred the responsibility for reviewing the voter registration list and mailing notices from municipal clerks and boards of election commissioners to the Board.

By June 15, 2015 the G.A.B. is required to mail a Notice of Suspension of Registration to voters identified in the four-year maintenance process following the November 7, 2014 General Election. As of April 16, 2015, G.A.B. staff has identified 100,590 voters that must be sent notices. That figure may change because clerks have not completed entering voter registrations and recording voter participation in the Statewide Voter Registration System (SVRS) for the 2015 Spring Election.

For past maintenance efforts the G.A.B. has contracted with a printer and mailing service to print and mail the notices of suspension of registration. Contracting with printing and mailing service allows the G.A.B. to take advantage of less expensive bulk printing and mailing charges. Printing and mailing for the four-year maintenance following the 2012 General Election cost \$90,491.36, or 30 cents per postcard. Based upon the 2012 costs, the projected cost for the 2015 four-year maintenance is calculated as 100,590 notices at \$.30 cents per notice, or \$30,177.00.

Given that both the Board and staff are becoming accustomed to how the delegation of contract authority is implemented in various situations, the Board may also wish to consider whether it intended the delegation of authority regarding Requests for Bids or Requests for Proposals to apply to regular processes which the agency is required by Statutes to complete.

### **Recommended Motion:**

**MOTION:** The Board approves the posting of the Request for Bid for printing and mailing of the 2015 four-year voter maintenance notices.

### 2. Approval to Enter into Contract

G.A.B. staff is requesting Board approval to enter into a three-year contract for an IT position that is subject to expire on April 30, 2015. The annual cost of the contract will be approximately \$218,400, and the Board's delegation of contract authority requires pre-approval from the Board for purchases from a statewide contract over \$100,000.

For the past three years, the contracted position has been filled by a member of the G.A.B.'s contractor IT Team dedicated to agency IT applications who has made significant advancements to G.A.B. IT applications including: development and maintenance of MyVote Wisconsin, SVRS, Badger Voters, and numerous other IT related initiatives. Staff believes it is imperative to re-authorize this IT position in order to complete development of major IT projects (such as SVRS modernization and MyVote Wisconsin 2.0) on schedule and according to required design and functional elements. Failure to do so will have a detrimental impact on numerous IT related supported applications currently supported by this contracted position.

Funding has been budgeted and secured for this contracted position for the next biennium, mainly from federal funds provided through the Federal Voting Assistance Program's EASE grant and the Help America Vote Act (HAVA). Contracted IT positions can be terminated by the agency at any point throughout the contract as needed, although at minimum this position will likely be necessary throughout FY16-17 to complete SVRS modernization and My Vote Wisconsin enhancements.

Staff requests approval to enter into a three year contract at the same rate provided in the contract that expires on April 30, 2015. The IT contracted position is a Business Intelligence Architect 3 position at a rate of \$105 an hour. Annual costs will be \$218,400 for this contracted position.

Funding rates and IT classifications are established through the State of Wisconsin purchasing and procurement processes.

**Recommended Motion:**

**MOTION:** Approve the execution of a contract for the Business Intelligence Architect 3 IT contracted position to begin on May 1, 2015, for three years at an annual cost of approximately \$218,400 per year.



# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
 Chairperson

KEVIN J. KENNEDY  
 Director and General Counsel

## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Jonathan Becker  
 Ethics & Accountability Division Administrator

**PREPARED BY:** Molly Nagappala  
 Ethics and Accountability Specialist

Brian M. Bell, MPA  
 Elections and Ethics Specialist

**SUBJECT:** Eye On Lobbying Late 15-Day Reporting Forfeiture Schedule

Lobbying principals are required by *Wis. Stat. §13.67(1)* to report each legislative proposal, budget bill subject, or lobbying topic through the Eye On Lobbying website within 15 days of the first communication on that matter. The penalties for late reporting of lobbying activity are outlined in *Wis. Stat. §13.69 (2m)*. A principal who fails to comply may be required to forfeit up to \$25 for the first offense within a three-year period and up to \$100 for a second and subsequent offense within three years from the first violation.

Lobbying principals are also required to report certain information every six months on their Statement of Lobbying Activities and Expenditures (SLAEs), as required by *Wis. Stat. §13.68*. This includes a reasonable estimate of the proportion of the percentage of time spent lobbying on each reported matter accounting for 10 percent or more of their lobbying efforts.

Based on these requirements and the Board priority of seeking compliance, staff recommends a tiered forfeiture schedule for late 15-day reporting by lobbying principals based on the number of offenses within a three-year period and the percentage of the principal's total lobbying effort during that six-month reporting period. The recommended schedule is considerably simplified and much easier to understand than the previous schedule (a copy of which is attached), which was rather extensive and complex. The table below outlines the recommended schedule.

LATE REPORTS	PERCENT OF TOTAL EFFORT	FORFEITURE
1 <sup>st</sup> LATE REPORTED INTEREST	<10%	Warning
	>=10%	\$25 per Interest
2 <sup>nd</sup> LATE REPORTED INTEREST	<10%	\$50 per Interest
	>=10%	\$100 per Interest
3 <sup>rd</sup> OR GREATER LATE REPORTED INTEREST	ANY	\$100 per Interest

**RECOMMENDED MOTION: THE BOARD ADOPTS THE FORFEITURE SCHEDULE FOR LATE 15-DAY LOBBYING EFFORT REPORTING OUTLINED IN THIS MEMORANDUM.**



# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy  
Director and General Counsel

Prepared by:  
Jonathan Becker  
Administrator, Division of Ethics and Accountability

**SUBJECT:** Proposed Guideline on State Capitol Tours and Use of State Flags

The Senate and Assembly Chief Clerks have requested that the Board issue a Guideline for legislators and their staffs addressing the provision of tours of the State Capitol and use of state flags purchased from office accounts. These issues have never been specifically addressed before.

The Ethics Code for State Public officials provides that an official may not use his or her public position or office to obtain anything of substantial value for private benefit or for the benefit of an organization with which the official is associated.<sup>1</sup> The Ethics Code also provides that an official may not use his or her public position or office to obtain an unlawful benefit, advantage or privilege for anyone.<sup>2</sup>

Using government resources for a non-governmental purpose is unlawful.<sup>3</sup> When a state official uses his or her position to obtain access to a portion of a public building not available to the general public, it is a use of the official's public position. If that ability to gain access is used to obtain a contribution to a political committee or to a private charity, it could be a misuse of state resources. Similarly, since legislators are permitted to use state funds to purchase flags which have flown over the State Capitol, the flags should not be "sold," regardless of the beneficiary. It is with these provisions in mind that, in conjunction with the Chief Clerks, staff proposes adoption of the attached Guideline.

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<sup>1</sup> WIS. STAT. §19.45 (2).

<sup>2</sup> WIS. STAT. §19.45 (5).

<sup>3</sup> 66 OAG 49 (1977); 1998 Wis Eth Bd 2 ¶4; 1997 Wis Eth Bd ¶5



## State Capitol Tours and Use of State Flags

The Ethics Code for State Public officials provides that an official may not use his or her public position or office to obtain anything of substantial value for private benefit or for the benefit of an organization with which the official is associated.<sup>1</sup> The Ethics Code also provides that an official may not use his or her public position or office to obtain an unlawful benefit, advantage or privilege for anyone.<sup>2</sup> Using government resources for a non-governmental purpose is unlawful. When a state official uses his or her position to obtain access to a portion of a public building not available to the general public, it is a use of the official's public position. It is with these provisions in mind that, in conjunction with the Chief Clerks, we provide the following guidance.

### Capitol Tours

- A legislator and his or her staff may provide a Capitol tour to any part of the Capitol, including non-public areas, to anyone as long as the tour is (a) not conditioned on a political contribution and (b) not conditioned on a donation to a charitable or other organization with which the official is associated.<sup>3</sup>
- Conversely, neither a legislator nor his or her staff may provide a Capitol tour that is (a) conditioned on a political contribution or (b) conditioned on a donation to a charitable or other organization with which the official is associated.

### State Flags

- The Legislature has provided that legislators may use state funds in their office accounts to purchase state flags that have flown over the Capitol. A legislator who purchases a state flag from his or her office account may not sell such flag or use it to raise money for any purpose.
- A legislator who purchases a state flag from his or her office account may provide it to any person or organization without payment. That organization may use the flag for any purpose, including fund-raising; however, a legislator should not provide the flag on the condition that it must be used for such purpose.

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<sup>1</sup> WIS. STAT. §19.45 (2).

<sup>2</sup> WIS. STAT. §19.45 (5).

<sup>3</sup> An official is "associated" with an organization if the official or his or her spouse is an officer, director, or authorized representative or agent of the organization. WIS. STAT. §19.42 (2).



# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by: Reid Magney, Public Information Officer

**SUBJECT:** Report to Joint Committee on Legislative Audit

On April 15, 2015, staff transmitted a report to the Joint Legislative Audit Committee (JLAC) from the Government Accountability Board addressing the findings and recommendations of the Legislative Audit Bureau's Report 14-14, issued in December 2014.

The report describes the Board's efforts to correct the problems that LAB found, answer the questions LAB raised, and address the issues LAB identified that would require changes in policy or state statutes. Board Members have already received the report, and it is available for the public on the agency's website: <http://www.gab.wi.gov/publications/other/report-JLAC-LAB-audit>.

Attached to this memorandum is a status chart for each of the recommendations. It will be updated for future Board meetings.



### Status Report on LAB Recommendations

Recommendation #	LAB Page #	GAB Page #	LAB Recommendation	Status
1	22	14	Promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies.	In progress
2	22	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Completed
3	26	2	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.	Legislative Action Required
4	26	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed
5	29	5	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
6	29	6	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.	Legislative Action Required
7	29	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
8	32	3	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.	Legislative Action Required
9	32	4	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
10	32	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations	Completed
11	33	7	Complete in a timely manner the statutorily required reviews to identify individuals with ongoing felony sentences who may have voted.	Completed
12	33	8	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.	Completed
13	33	8	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
14	33	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
15	34	14	Promulgate administrative rules that specify the responsibilities of clerks for maintaining voter registration records in the Statewide Voter Registration System.	In progress
16	34	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Completed
17	49	9	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.	Completed
18	49	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed

### Status Report on LAB Recommendations

Recommendation #	LAB Page #	GAB Page #	LAB Recommendation	Status
19	52	9	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.	Completed / New schedule adopted
20	52	10	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.	Completed
21	52	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
22	54	9	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties for campaign contributions in violation of statutory limits.	Completed / New schedule adopted
23	54	10	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.	Completed
24	54	12	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
25	56	11	Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with campaign finance laws.	Completed
26	56	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed
27	59	12	Determine whether to revoke the existing licenses of lobbyists who are delinquent in paying state taxes or court-ordered child or family support payments.	Completed
28	59	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed
29	64	9	Adhere to the Government Accountability Board's February 2008 penalty schedule when assessing penalties.	Completed / New schedule adopted
30	64	10	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.	Completed
31	59	12	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.	Completed
32	59	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
33	65	13	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.	Completed
34	65	13	Include in the biennial reports to the Legislature all statutorily required information.	Will complete

### Status Report on LAB Recommendations

Recommendation #	LAB Page #	GAB Page #	LAB Recommendation	Status
35	65	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
36	67	11	Publish on the Government Accountability Board's website summaries of all confidential advisory opinions issued related to compliance with lobbying laws.	Completed
37	67	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed
38	73	13	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.	Completed
39	73	13	Promptly notify the Department of Administration and the employing agency when an individual does not file a statement of economic interests on time.	Completed
40	73	11	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.	Completed
41	73	9	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.	Completed / New schedule adopted
42	73	14	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.	Completed
43	73	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
44	87	17	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.	Completed
45	87	17	Maintain complete, centralized information about all complaints received and inquiries undertaken, including the resolution of these issues.	Completed
46	87	17	Report regularly to the Government Accountability Board on the status and resolution of all inquiries.	Completed
47	87	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
48	92	15	Promulgate all required administrative rules.	In progress
49	92	16	Remove from the Administrative Code the eight rules that are not in effect because it did not vote to adopt them.	In progress
50	92	16	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.	Completed
51	92	1	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.	Completed



# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Government Accountability Board

**FROM:** Kevin J. Kennedy – Director and General Counsel

Prepared and Presented by:  
Brian M. Bell, MPA – Ethics and Accountability Specialist

**SUBJECT:** Legislative Status Report

## NEW LEGISLATION

### ***1. Assembly Bill 63: the presidential preference date.***

Sponsors: Minority. This bill would move the date of the Presidential Preference Election from the Spring Election to coincide with the Spring Primary.

### ***2. Assembly Bill 79 and Senate Bill 71: allowing municipal clerks to register voters on Election Day.***

Sponsors: Bipartisan. Under current law, election inspectors may register electors to vote at a polling place on Election Day. In addition, a municipality may provide, by adopting a resolution, that an inspector's registration duties may be performed by special registration deputies appointed by the municipal clerk or board of election commissioners.

Under this bill, an inspector's registration duties may be performed by the municipal clerk, if the clerk is not a candidate listed on the ballot, or by special registration deputies appointed by the municipal clerk or board of election commissioners, without the municipality first adopting a resolution to allow the procedure.

**Senate: Public hearing held on April 9, 2015. Senate Amendment 1 offered by Senator Gudex.**

**3. *Assembly Bill 80: review by state agencies of administrative rules and enactments and an expedited process for repealing rules an agency no longer has the authority to promulgate.***

Sponsors: Majority. This bill would require state agencies to file a report by March 31 of each odd-numbered year to the Joint Committee for Review of Administrative Rules identifying the following:

- Rules for which the authority to promulgate has been eliminated or restricted.
- Rules that are obsolete or that have been rendered unnecessary.
- Rules that are duplicative of superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling.

The report must also include 1) a description of the agency's actions, if any, to address each rule listed in the report and, if the agency has not taken any action to address a rule listed in the report, an explanation for not taking action; 2) a description of the status of each rule listed in the previous year's report not otherwise listed; and 3) if the agency determines that there are no such rules to list, a statement of that determination.

**Assembly: Report passage recommended by the Committee on State Affairs and Government Operations by a vote of 8-5. AB-80 was passed by the Assembly by a voice vote.**

**4. *Assembly Bill 124 and Senate Bill 96: fees for election recounts.***

Sponsors: Bipartisan. This bill provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount. Under any other circumstance, the petitioner pays the actual cost of performing the recount. However, if the recount overturns the result of the election or referendum, the petitioner receives a refund of the recount fees. No recount in Wisconsin history has changed the outcome of a contest when the original margin was more than 0.125 percent. Therefore, the 0.25 percent threshold for a free recount is double the largest original margin in Wisconsin history of a successful recount.

**Senate: A public hearing was held by the Senate Committee on Elections and Local Government on April 9, 2015. An executive session was held on April 16, 2015. The committee recommended passage by a vote of 3-2.**

**5. *Assembly Bill 130: tribal identification cards.***

Sponsors: Bipartisan. This bill provides that identification cards issued by an American Indian tribe or band must be accepted as sufficient proof of identity for the purpose of any law that requires a person to present identification. This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

**6. *Assembly Bill 164 and Senate Bill 121: various election law changes.***

Sponsors: Bipartisan. This bill makes several changes to election laws and addresses several concerns identified by the Wisconsin County Clerks Association in their 2015-2016 Legislative Objectives:

- The bill requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election to be considered a registered write-in candidate.
- The bill provides that the board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.
- The bill would require electors to submit a petition to pass an ordinance or resolution (direct legislation) at least 70 days from the date on which the council or board must act.
- The bill removes language related to an elector affixing a sticker to a ballot.
- Under current law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This bill provides that a school board referendum held in conjunction with a state, county, municipal or judicial election is subject to the same procedures.

PREVIOUS LEGISLATION – CHANGE IN STATUS

**7. *Assembly Bill 9 and Senate Bill 6: Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau.***

Sponsors: Bipartisan. These bills clarify LAB authority to have access to all state agency documents by providing that LAB also has specific access to state agency documents that relate to agency expenditures, revenues, operations, and structure that are confidential by law. In addition, the bill requires GAB to provide investigatory records to LAB to the extent necessary for LAB to carry out its duties.

Joint Legislative Audit Committee: Public hearing held on January 21, 2015. Executive session held on January 22, 2015. The committee recommended passage of both bills unanimously.

Senate Bill 6: Passed by the Senate by voice vote; passed by the Assembly by voice vote.  
**Approved by the Governor as 2015 Wisconsin Act 2.**

**8. *Assembly Bill 58 and Senate Bill 47: responding to a request for an absentee ballot.***

Sponsors: Bipartisan. Under this bill, a municipal clerk who receives a request for an absentee ballot by mail, electronic mail, or facsimile transmission must respond to the request no later than one business day after receiving the request.

**Assembly: Assembly Substitute Amendment 1 offered by Representative Horlacher. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15.**

**Senate:** Senate Substitute Amendment 1 offered by Senator Harsdorf. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15. **A public hearing was held by the Senate Committee on Elections and Local Government on April 9, 2015. An executive session was held on April 16, 2015. Senate Substitute Amendment 1 was approved by a vote of 5-0. The committee recommended passage as amended by a vote of 5-0. Senate Substitute Amendment 1 was adopted and the bill was passed by the Senate by a voice vote.**

**9. *Assembly Bill 68 and Senate Bill 43: John Doe proceedings and providing a penalty.***

Sponsors: Majority. This bill imposes a six-month time limit on a John Doe proceeding. This limit may be extended for additional six-month periods if a majority of judicial administrative district chief judges find good cause for each extension. This bill also provides that the same finding is required to add specified crimes to the original complaint. The vote of each judge must be available to the public. Finally, under this bill, records reflecting the costs of John Doe investigations and proceedings are a matter of public record, temporary or permanent reserve judges are excluded from presiding over John Doe proceedings, and special prosecutors may be appointed to assist the district attorney in a John Doe proceeding only under certain conditions.

**Senate: A public hearing was held on March 11 and an executive session held on March 12 by the Senate Committee on Judiciary and Public Safety. The committee recommend passage by the committee by a vote of 3-2.**

PREVIOUS LEGISLATION – NO STATUS CHANGE

**10. *Assembly Joint Resolution 1 and Senate Joint Resolution 2: Election of chief justice (second consideration).***

Sponsors: Majority. This constitutional amendment, to be given second consideration by the 2015 Legislature for submittal to the voters in a statewide constitutional referendum in April 2015, was first considered by the 2013 legislature in 2013 Senate Joint Resolution 57, which became 2013 Enrolled Joint Resolution 16. The amendment directs the Supreme Court to elect a chief justice for a term of two years.

Senate Joint Resolution 2: Passed by the Senate by a vote of 17-14; passed by the Assembly by a vote of 62-34-2-1 (Aye – Nay – Paired – Not voting). Enrolled as 2015 Senate Joint Resolution 2. This referendum question was approved on the 2015 Spring Election ballot statewide.

*11. Assembly Joint Resolution 8 and Senate Joint Resolution 12: An advisory referendum on an amendment to the U.S. Constitution.*

Sponsors: Minority. This resolution places a question on the November 2016 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. FEC*.

*12. Assembly Bill 21 and Senate Bill 21: state finances and appropriations constituting the executive budget act of the 2015 legislature.*

Sponsors: Majority. This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2015-2017 fiscal biennium.

*13. Assembly Bill 55 and Senate Bill 27: shareholder objections to corporate political expenditures.*

Sponsors: Minority. Current law defines "disbursement," for purposes relating to campaign financing, to include a purchase, payment, loan, or gift made for political purposes; an authorized expenditure from a campaign depository account; and a payment for a broadcast or print communication to the general public for a political purpose.

This bill requires corporations to give written notice to their shareholders before making disbursements, as defined under current campaign finance law. The corporation is required to give only one notice for each corporate fiscal year. The notice must include a form that the shareholder may complete and return to the corporation to object to any disbursement during the applicable fiscal year.

The bill requires a corporation, within three months after the end of its fiscal year, to calculate the total value of its expenditures for disbursements made during the fiscal year. If an objecting shareholder returns the objection form to the corporation (opts out) within 30 days after the date stated on the corporation's notice, the corporation must, within four months after the end of its fiscal year, do all of the following: 1) pay the objecting shareholder an amount determined by multiplying the total value of corporate expenditures for disbursements by the objecting shareholder's percentage of ownership in the corporation; and 2) provide the objecting shareholder with the corporation's calculation of the total value of its expenditures for disbursements made during the fiscal year, along with information related to the calculation.

*14. Senate Bill 58: legislative and congressional redistricting.*

Sponsors: Minority. This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting.



Proposal (LRB#)		Sponsors		Assembly		Senate		Relating Clause	
AJR-01 (1001)	Majority								election of chief justice (second consideration)
SJR-02 (0644)	Majority		Enrolled SJR2	Enrolled SJR2					election of chief justice (second consideration)
AJR-08 (1145)	Minority								An advisory referendum on an amendment to the U.S. Constitution
SJR-12 (1420)	Minority								An advisory referendum on an amendment to the U.S. Constitution
AB-09 (1157)	Bipartisan		Passed by Committee						Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau
SB-06 (0937)	Bipartisan		2015 WI Act 2	2015 WI Act 2					Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau
AB-21 (1474)	Majority								state finances and appropriations, constituting the executive budget act of the 2015 legislature
SB-21 (1576)	Majority								state finances and appropriations, constituting the executive budget act of the 2015 legislature
AB-55 (1515)	Minority								Shareholder objections to corporate political expenditures
SB-27 (0977)	Minority								Shareholder objections to corporate political expenditures
AB-58 (1593)	Bipartisan								Responding to a request for an absentee ballot
SB-47 (0341)	Bipartisan					Passed by Senate			Responding to a request for an absentee ballot
AB-63 (1516)	Minority								the presidential preference primary date
AB-68 (0524)	Majority								John Doe proceedings and providing a penalty
SB-43 (1716)	Majority								John Doe proceedings and providing a penalty
AB-79 (0828)	Bipartisan								allowing municipal clerks to register voters on election day
SB-71 (1696)	Bipartisan					Passed by Committee			allowing municipal clerks to register voters on election day
AB-80 (1270)	Majority		Passed by Assembly						review by state agencies of administrative rules and enactments and an expedited process for repealing rules an agency no longer has the authority to promulgate.
SB-58 (0889)	Minority								legislative and congressional redistricting
AB-124 (1151)	Bipartisan								fees for election recounts
SB-96 (1873)	Bipartisan					Passed by Committee			fees for election recounts
AB-130 (0927)	Bipartisan								tribal identification cards
AB-164 (2071)	Bipartisan								various election law changes
SB-121 (1578)	Bipartisan								various election law changes



# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the April 29, 2015 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by: Jonathan Becker, Brian Bell, Richard Bohringer, Adam Harvell,  
Kyle Kundert and Molly Nagappala  
Ethics and Accountability Division

**SUBJECT:** Ethics and Accountability Division Program Activity

### **Campaign Finance Update**

Richard Bohringer, Adam Harvell, Kyle Kundert, Molly Nagappala and Brian Bell  
Campaign Finance Auditors

#### New Method for Documenting Campaign Finance Reporting Compliance

Beginning with this meeting, we will be using the new audit tracking database to generate reports on late campaign finance reports. Accompanying this report, you will find a summary of the January Continuing 2015, Spring Pre-Primary 2015, and Spring Pre-Election 2015 filings.

#### January Continuing 2015 Campaign Finance Reports

The filing deadline for the January 2015 report was 2/2/2015, and all non-exempt committees were required to file. 1334 committees filed on time. 135 committees filed between 2/3/2015 and 4/10/2015 and were assessed no penalty. 3 committees filed after 4/10/2015 but the penalty was waived. 14 committees had not filed as of 4/16/2015. A list of all committees that filed late through 4/10/2015 is attached. A separate list shows the 3 committees that filed after that date and the 14 committees that have not filed.

#### 2015 Spring Pre-Primary Campaign Finance Reports

The filing deadline for the pre-primary report was 2/9/2015. Only candidates on the ballot, and other registrants contributing to candidates on the ballot in February, were required to file. Only candidate committees are tracked for late filings. 51 candidate committees filed by the deadline. Six committees filed after that date. Five committees were not on the pre-primary ballot and the penalty was waived. One committee filed late and has been assessed a forfeiture, which as of 4/20/15 has not been paid.

#### 2015 Spring Pre-Primary Campaign Finance Reports

The filing deadline for the pre-primary report was 3/30/2015. Only candidates on the ballot, and other registrants contributing to candidates on the ballot in April, were required to file. Only candidate committees are tracked for late filings. 66 candidate committees filed by the deadline.

Two committees filed after that date. Both filed within two days of the deadline, and were not on the pre-election ballot, so the penalty was waived.

Upcoming Campaign Finance Reports

There is a special post-election report due on May 7, 2015, from candidates in the 20<sup>th</sup> Senate District special election. The next major campaign finance report will be the July Continuing 2015, due on July 20<sup>th</sup>, 2015 from all non-exempt committees.

Campaign Finance Audits

A summary of campaign finance audits and penalties for 2015 is included below. This report is generated from our new audit tracking database. Settlements so far in 2015 generally include resolutions of issues from previous calendar years, and from 2015 Filing Fees. Information from 2015 audits will be added as issues are resolved and settlements are paid.

**Lobbying Update**

Molly Nagappala and Brian Bell  
 Ethics and Accountability Specialists

The deadline for the next Statement of Lobbying Activities and Expenditures (SLAE) Report is Friday, July 31, 2015 for the January to June 2015 reporting period, and will include considerable activity related to lobbying on the State Budget. Staff will be conducting a webinar at 1:00 p.m. on May 27, 2015 on how to complete the SLAE. The webinar will be conducted live, recorded, and then posted on the G.A.B. website so it can be viewed at the convenience of any Eye On Lobbying user.

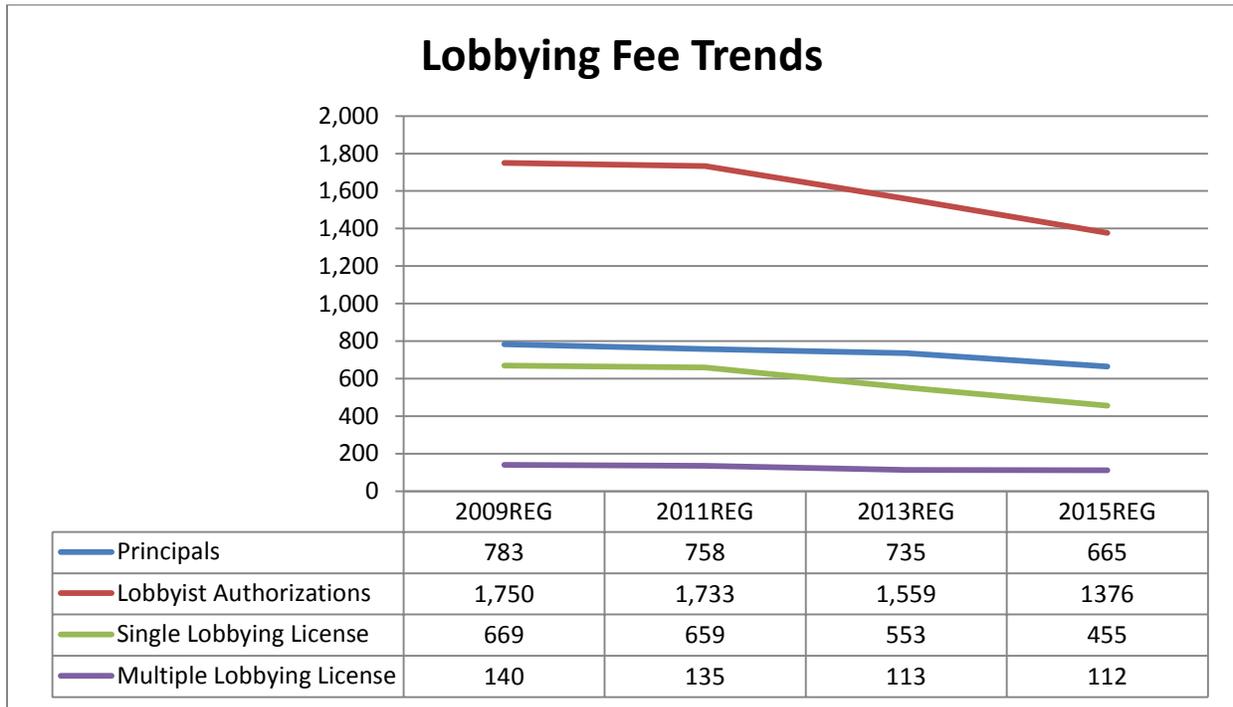
2015-2016 Legislative Session Registration and Licensing

On December 1, 2014, the Eye on Lobbying website enabled the start of principal registration, lobbyist licensing, and lobbyist authorization for the upcoming 2015-2016 legislative session. While we continue to see additional registrations and licensing applications throughout the budget process, we have observed a continued decline in the number of principal registrations, lobbyist licenses (both single and multiple), and lobbyist authorizations. Both economic austerity measures by past lobbying principals, and wider margins between the majority and minority in each house of the State Legislature, are likely contributing factors. The following tables provide a summary of licensure, registration, and authorization applications and revenue as of April 17, 2015.

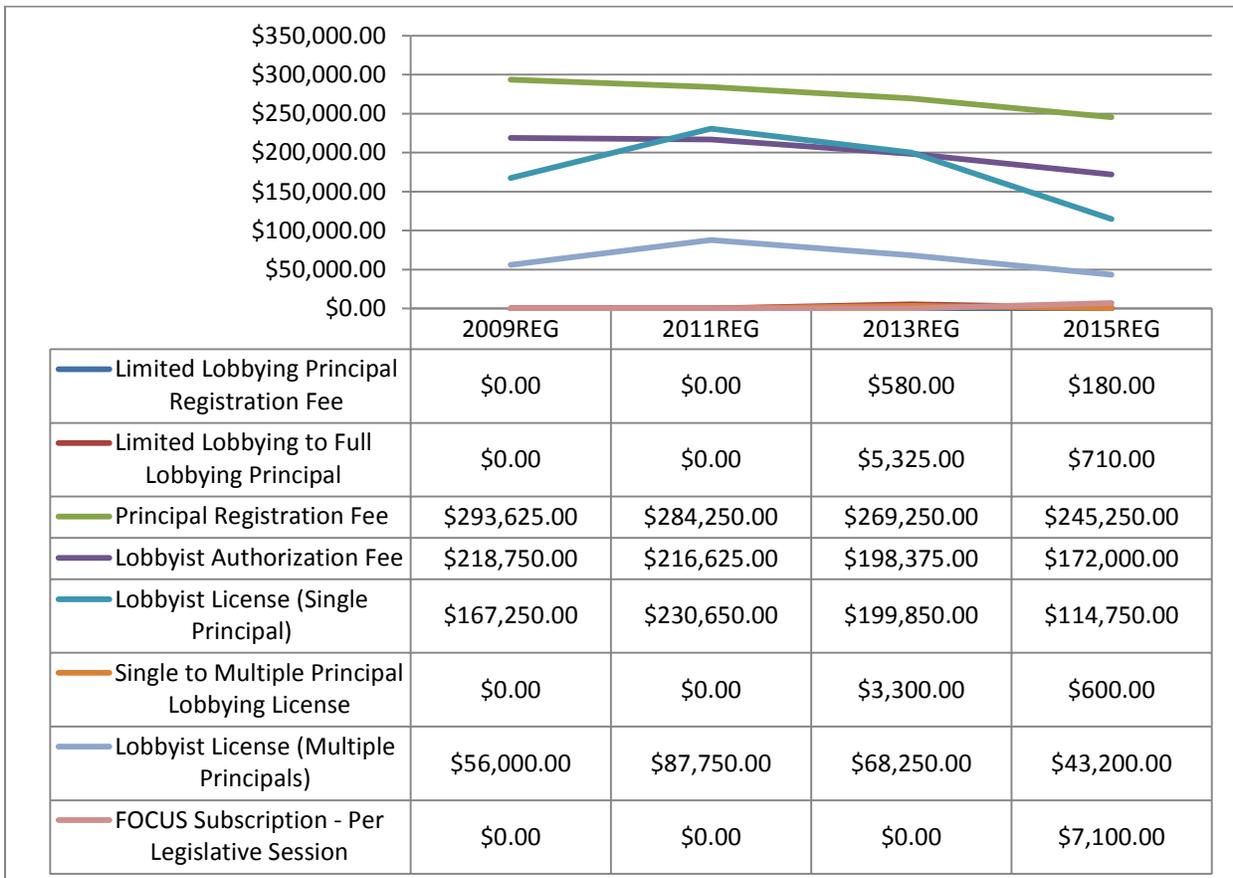
**2015-2016 Legislative Session**

<b>Fee Type</b>	<b>Fees Paid</b>	<b>Fee Amount</b>	<b>Total Paid</b>
Limited Lobbying Principal Registration Fee	9	\$20.00	\$180.00
Limited Lobbying to Full Lobbying Principal Amendment	2	\$355.00	\$710.00
Principal Registration Fee	654	\$375.00	\$245,250.00
Lobbyist Authorization Fee	1,376	\$125.00	\$172,000.00
Lobbyist License (Single Principal)	459	\$250.00	\$114,750.00
Single to Multiple Principal Lobbying License Amendment	4	\$150.00	\$600.00
Lobbyist License (Multiple Principals)	108	\$400.00	\$43,200.00
Focus Subscription	71	\$100.00	\$7,100.00
		<b>Total</b>	<b>\$583,790.00</b>

### Lobbying Fee Applications by Legislative Session



### Lobbying Fee Revenue by Legislative Session



## **Financial Disclosure Update**

Adam Harvell  
 Campaign Finance Auditor and Ethics Specialist

### Statements of Economic Interests

More than 2,300 statements were sent out by early January, with most forms due on April 30, 2015. As of April 14, 2015, 2,370 SEIs have been sent out, and 1,850 have been returned. There are about 500 outstanding SEIs due by April 30<sup>p</sup>.

### State of Wisconsin Investment Board Quarterly Transaction Reports

Staff sent out 56 quarterly financial disclosure reports to State Investment Board members and employees in early April. The 2015 first quarter reports are due by April 30, 2015.

### Gubernatorial Appointments

New appointments continue to be processed on an ongoing basis. Tasks include securing statements of economic interests from all appointees and referring copies of their statements to the Senate for future confirmation hearings.

## **Ethics, Complaints and Investigations Update**

Jonathan Becker, Division Administrator

Division staff continues to answer questions from legislators, legislative staff, and the public on various provisions of the State Ethics Code. Division staff intake numerous complaints from various parties and deal with them appropriately according to the Division's standard procedures. Division staff continues to devote time to assist on investigations and the resolution of complaints when called upon by the Division Administrator and/or the Director and General Counsel. Efforts to improve the complaints and investigations process are addressed in a separate report regarding the LAB audit recommendations.

### **Ethics Complaint Settlements Summary – 1/1/2015 to 4/1/2015**

<b>Tracking ID</b>	2015-ETH-004
<b>In the Matter of</b>	Burke campaign finance forfeiture
<b>Ethics Categories</b>	Campaign Finance
<b>Subcategories</b>	Mis-reported incurred obligations (Campaign Bus)
<b>Additional Notes and Comments</b>	
<b>Status</b>	Closed
<b>Ethics Resolution</b>	Forfeiture paid
<b>Forfeiture / Settlement Paid</b>	\$250.00
<b>Payment Date</b>	2/16/2015

**Audit Settlements Summary – 1/1/2015 to 4/1/2015**

<b>Audit_ID</b>	2015-2
<b>In the matter of</b>	United Association Local 118 PAC
<b>Additional Comments</b>	Paid \$300 Filing Fee on 2/12/2015 - Check #552
<b>Committee ID</b>	0500904
<b>Audit Category</b>	Late Filing Fee (CF)
<b>Reporting Period</b>	2015 January Continuing (CF)
<b>Status Reason</b>	Paid Settlement
<b>Settlement Paid:</b>	\$200.00

<b>Audit_ID</b>	2015-3
<b>In the matter of</b>	SEIU PEA
<b>Additional Comments</b>	Paid \$300 on 2/17/2015 - Check #00094944
<b>Committee ID</b>	0501335
<b>Audit Category</b>	Late Filing Fee (CF)
<b>Reporting Period</b>	2015 January Continuing (CF)
<b>Status Reason</b>	Paid Settlement
<b>Settlement Paid:</b>	\$200.00

<b>Audit_ID</b>	2015-4
<b>In the matter of</b>	UAW Southeastern WI Area PAC Council
<b>Additional Comments</b>	LMTC - Lance Agbuis - 2/18/15 #1057 (two Checks \$100 for FF and \$200 for settlement)
<b>Committee ID</b>	0500116
<b>Audit Category</b>	Late Filing Fee (CF)
<b>Reporting Period</b>	2015 January Continuing (CF)
<b>Status Reason</b>	
<b>Settlement Paid:</b>	\$200.00

<b>Audit_ID</b>	2015-47
<b>In the matter of</b>	Friends of Sheila Harsdorf
<b>Additional Comments</b>	Original \$1769.71 cash balance discrepancy reduced to \$300.29 - settlement for that amount paid 3/12/2015.
<b>Committee ID</b>	0102332
<b>Audit Category</b>	Incomplete Report /Cash Balance (CF)
<b>Reporting Period</b>	2013 Calendar Year (CF)
<b>Status Reason</b>	Paid Settlement
<b>Settlement Paid:</b>	\$130.00

2015 January Continuing  
Late Reports  
Closed/No Penalty

Audit_ID	In the matter of	Committee ID	Additional Comments	Status
2015-48	Committee to Recruit Melissa Malott for Assembly	0105130	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-49	Committee to Elect Susan Resch	0105625	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-50	Friends of Riley	0102950	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-51	Recall for a Better Wisconsin	0501544	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-52	Committee for Tim Henney	0102725	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-53	WI State Council of Machinists	0800329	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-54	Oshkosh Chamber of Commerce Conduit	0900226	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-55	Wisconsin Beverage Association	0800137	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-56	PSW Friends of Pharmacy Fund	900110	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-57	Planned Parenthood Advocates of WI Conduit	0900270	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-58	Samantha Bady for the People	0104707	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-59	Employers Mutual Casualty Company Political Action Committee for Responsible State Government	0501653	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-60	Jacque for Assembly	0104808	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-61	Jacque for Assembly	0104808	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-62	Normal Party Coalition	0300465	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-63	Friends of Christine Sinicki	0103687	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-64	Alison Page for Senate	0104633	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-65	Gibbs for Assembly	0104907	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-66	Ripp for Assembly	0104638	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-67	Delta Dental of WI Conduit	0900151	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-68	Committee to Elect Lori Compas	0105214	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-69	Burke for Wisconsin	0105459	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-70	Pharmacy Society of WI, Inc	0800028	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-71	So WI Bldg & Const Trades	0501047	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-72	Friends For Randy Bryce	0105370	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-73	Weininger for Assembly	0104979	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-74	Intl Operating Engineers 139	0800091	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-75	Committee to Elect Robin Chamoy	0105614	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-76	WI Propane Education Committee	0900084	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-77	Wisconsin Right to Life Federal PAC	0501593	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-78	Friends of Kerry Kittel	0104491	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-79	Taxpayers for Lasee	0103174	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-80	Wisconsin Amusement & Music Operators	0900076	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-81	Greater Wisconsin Cmte. Inc.	0800312	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-82	400 Conduit	0900131	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-83	Friends of John Murtha	0104510	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-84	CARS-CONDUIT	0900200	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-85	Committee to Elect Bryn Biemeck	0105536	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-86	Laumann for Office	0105548	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-87	Hewlett-Packard Company	0800388	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-88	VJS Construction Services Conduit	0900230	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-89	MCAW Conduit Account	0900257	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-90	Clean WI Action Fund PAC	0501248	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-91	Citizens for a Clean Wisconsin	0900231	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-92	Friends of Rob Kreibich	0102969	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-93	Friends for Shari Hanneman	0105460	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-94	Oshkosh Firefighters Local 316	0900216	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-95	Andy Craig for Secretary of State	0105551	Filed 2/3/2015 - No penalty - within grace period	Closed
2015-96	Neenah-Menasha Professional Firefighters Local 275	0800426	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-97	Franklin Forum	0800418	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-98	WI Occupational Therapy Conduit	0900173	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-99	Admin & Super Cncl PAC ASC/PAC	0500656	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-100	Friends of Terese Berceau	0103642	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-101	Johnson for Assembly	0105117	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-102	Friends of Michael Malcheski	0105391	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-103	Justin Sargent for Assembly	0104588	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-104	Defending Wisconsin PAC	0501442	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-105	Milw Police Supervisor's Org	0800136	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-106	UAW WI Fox River Valley CAP	0500068	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-107	IBEW Local 494 PAC	0500778	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-108	Henneman for Assembly	0105586	Filed 2/4/2015 - No penalty - within grace period	Closed
2015-109	UAW Southeastern Wisconsin Area PAC Council	0500116	Filed 2/5/2015 - No penalty - within grace period	Closed

2015 January Continuing  
Late Reports  
Closed/No Penalty

Audit_ID	In the matter of	Committee ID	Additional Comments	Status
2015-110	Kenneth L. Kutz for Judge	0102670	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-111	Guy Taylor for Judge	0105646	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-112	Wisconsin Academy of Anesthesiologist Assistants	0800374	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-113	Milw Prof Firefighters Loc 215	0500032	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-114	Sprint Corporation	0800357	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-115	Alliance of Health Insurers, U.A.	0800415	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-116	Steffen for District Attorney	0104494	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-117	Friends of Scott Espeseth	0105607	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-118	Friends of Dan Necci	0104904	Filed 2/5/2015 - No penalty - within grace period	Closed
2015-119	Active Conc Farm Equip Dealers	0500488	Filed 2/6/2015 - No penalty - within grace period	Closed
2015-120	Mahlon Mitchell for Wisconsin	0105228	Filed 2/6/2015 - No penalty - within grace period	Closed
2015-121	Realtors Assn of NW WI	0500426	Filed 2/6/2015 - No penalty - within grace period	Closed
2015-122	Charter Communications, Inc.	0800411	Filed 2/6/2015 - No penalty - within grace period	Closed
2015-123	Republican Party Green County	0300078	Filed 2/8/2015 - No penalty - within grace period	Closed
2015-124	Citizens to Elect Judge Rebecca St. John	0105413	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-125	Progressive Dane	0300414	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-126	Bldg Owners & Mgrs Assn-BOMA	0500025	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-127	Bldg Owners & Mgrs Assn-Milw	0800105	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-128	Friends of Tamra	0105248	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-129	Quad/Graphics, Inc.	0800400	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-130	Quad/Graphics Conduit	0900256	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-131	Mary Williams for 87th District Assembly	0104128	Filed 2/9/2015 - No penalty - within grace period	Closed
2015-132	Republican Party of Clark County	0300027	Filed 2/10/2015 - No penalty - within grace period	Closed
2015-133	Walters 4 Wisconsin	0105212	Filed 2/10/2015 - No penalty - within grace period	Closed
2015-134	Kenosha Professional Firefighters Local 414	0500085	Filed 2/10/2015 - No penalty - within grace period	Closed
2015-135	Friends of Eric Wimberger	0105594	Filed 2/10/2015 - No penalty - within grace period	Closed
2015-136	Milwaukee Fund for Public Ed	0900159	Filed 2/11/2015 - No penalty - within grace period	Closed
2015-137	Apartment Association of Southeastern Wisconsin PAC	0500375	Filed 2/11/2015 - No penalty - within grace period	Closed
2015-138	Winnebago County Democratic Party	0300239	Filed 2/11/2015 - No penalty - within grace period	Closed
2015-139	Friends of Brent Renteria	0105517	Filed 2/13/2015 - No penalty - within grace period	Closed
2015-140	Friends of LaShawndra Vernon	0105243	Filed 2/17/2015 - No penalty - within grace period	Closed
2015-141	Joanne Staudacher for Assembly	0105278	Filed 2/17/2015 - No penalty - within grace period	Closed
2015-142	Apartment Association of Southeastern Wisconsin Inc	0800050	Filed 2/17/2015 - No penalty - within grace period	Closed
2015-143	R.P.M.C. Direct Givers Program	0900194	Filed 2/17/2015 - No penalty - within grace period	Closed
2015-144	Sara Lee Johann for State Assembly	0101492	Filed 2/18/2015 - No penalty - within grace period	Closed
2015-145	WI Right to Life Inc	0800102	Filed 2/18/2015 - No penalty - within grace period	Closed
2015-146	Brian Hackbarth	0105497	Filed 2/18/2015 - No penalty - within grace period	Closed
2015-147	Wisconsin Beverage Association Political Support Committee	0900272	Filed 2/18/2015 - No penalty - within grace period	Closed
2015-148	Thompkins for Senate	0105600	Filed 2/18/2015 - No penalty - within grace period	Closed
2015-149	Friends of Bohrod	0103612	Filed 2/19/2015 - No penalty - within grace period	Closed
2015-150	Barbara McCrory for Judge	0104204	Filed 2/20/2015 - No penalty - within grace period	Closed
2015-151	Cathy Stepp for State Senate	0104006	Filed 2/20/2015 - No penalty - within grace period	Closed
2015-152	Milbrath for Assembly	0104845	Filed 2/23/2015 - No penalty - within grace period	Closed
2015-153	Schroeder for Assembly	0105017	Filed 2/25/2015 - No penalty - within grace period	Closed
2015-154	Committee to Elect Tim Schwister	0105088	Filed 2/25/2015 - No penalty - within grace period	Closed
2015-155	Sorenson for Assembly	0105265	Filed 2/25/2015 - No penalty - within grace period	Closed
2015-156	Sanchez For A Better Tomorrow	0105023	Filed 2/25/2015 - No penalty - within grace period	Closed
2015-157	Friends of Joe Voiland	0105434	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-158	Klein for Wisconsin	0105440	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-159	Dane County Citizen Action Coalition	0501451	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-160	Kyle Sargent for District Attorney	0105326	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-161	Edming for Assembly - A Bright Future for Wisconsin	0104063	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-162	Grassroots North Shore	0501298	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-163	Shaddock for SD33	0105584	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-164	Friends for Jerry Broitzman	0105479	Filed 2/26/2015 - No penalty - within grace period	Closed
2015-165	Wisconsin Liberty Movement	0501587	Filed 2/27/2015 - No penalty - within grace period	Closed
2015-166	VOICES of Conservative Women	0800405	Filed 2/28/2015 - No penalty - within grace period	Closed
2015-167	4th Cong Dist Republican Club	0300075	Filed 2/28/2015 - No penalty - within grace period	Closed
2015-168	Lefeber for Assembly	0105271	Filed 3/2/2015 - No penalty - within grace period	Closed
2015-169	Citizens for Fox Valley Jobs	0501434	Filed 3/3/2015 - No penalty - within grace period	Closed
2015-170	Constitution Party-Waukesha Co	0300406	Filed 3/6/2015 - No penalty - within grace period	Closed

2015 January Continuing  
Late Reports  
Closed/No Penalty

Audit_ID	In the matter of	Committee ID	Additional Comments	Status
2015-171	NARAL Pro-Choice WI, 501(c)(4)	0501274	Filed 3/10/2015 - No penalty - within grace period	Closed
2015-172	NARAL Pro-Choice WI Conduit	0900177	Filed 3/10/2015 - No penalty - within grace period	Closed
2015-173	NARAL Pro-Choice WI, Inc.	0800292	Filed 3/10/2015 - No penalty - within grace period	Closed
2015-174	NARAL Pro-Choice WI, PAC	0500681	Filed 3/10/2015 - No penalty - within grace period	Closed
2015-175	Sawyer County - Lac Courte Oreilles Democratic Party	0300185	Filed 3/25/2015 - No penalty - within grace period	Closed
2015-176	Fund for Parent Choice	0900203	Filed 3/25/2015 - No penalty - within grace period	Closed
2015-177	FINDLEY FOR ASSEMBLY	0104987	Filed 4/2/2015 - No penalty - within grace period	Closed
2015-178	U.S. Venture, Inc.	0800412	Filed 4/2/2015 - No penalty - within grace period	Closed
2015-179	Frostman for Wisconsin	0104983	Filed 4/8/2015 - No penalty - within grace period	Closed
2015-180	Waukesha County Taxpayers Association	0501625	Filed 4/9/2015 - No penalty - within grace period	Closed
2015-181	Future for Wisconsin	0501619	Filed 4/9/2015 - No penalty - within grace period	Closed
2015-182	IBEW WI State Conference	0500678	Filed 4/10/2015 - No penalty - within grace period	Closed



2015 January Continuing  
Late Reports  
Open Committees and Comments

Audit_ID	In the matter of	Committee ID	Additional Comments	Status	Deviation frof Deviation Reason
2015-183	La Crosse County Republican Party	0300096	Filed 4/13/2015 - No penalty	Closed	Yes
2015-184	Alvarez & Marisal Holdings, LLC PAC	0501656	Filed 4/15/2015 - No penalty	Closed	Yes
2015-191	Friends of Molly McGartland	0104992	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-192	Friends of Tracey Dent	0105285	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-193	Friends of Austin	0105534	Filed 4/15/2015 - No Penalty - No activity	Closed	Yes
2015-194	Perry for Assembly	0105545	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-195	Republican Party of Rock Co	0300168	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-196	The Wisconsin Party	0300437	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-197	WI Nurses PAC (WIN PAC)	0500369	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-198	SEH Employees - WI PAC	0501227	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-199	We Are Milwaukee Political Action Committee	0501547	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-200	Fund for Wisconsin's Future	0501555	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-202	SEH, Inc	0800291	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-203	Coalition for American Values Action	0800398	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-204	WI Nurse Midwives	0900133	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-205	1st District Republican Party of Wisconsin Conduit	0900237	Warning letter 3/27 - Penalty letter 4/22	Open	No
2015-206	Empower Milwaukee	0900247	Warning letter 3/27 - Penalty letter 4/22	Open	No

2015 Spring Pre-Primary  
Late Reports

Audit_ID	In the matter of	Committee ID	Additional Comments	Status	Deviation from Schedule	Deviation Reason
2015-186	Elect Uttke Judge	0102712	Filed 2/18/2015	Closed	Yes	Not on Ballot
2015-187	Seidl For Court Of Appeals	0105631	Filed 2/18/2015	Closed	Yes	Not on Ballot
2015-188	Citizens for Ron Sonderhouse	0105621	Filed 2/17/2015	Closed	Yes	Not on Ballot
2015-189	Friends of Brian Barton	0105632	Filed 2/16/2015 - Assessed forfeiture and sent letter	Open	No	
2015-190	Friends of Michelle Greendeer-Rave	0105638	Filed 2/16/2015	Closed	Yes	Write-in candidate only
2015-207	Kris Thelen For Judge	0105623	Not on Ballot - Terminated	Closed	Yes	Committee Terminated

2015 Spring Pre-Election  
Late Reports

Audit_ID	In the matter of	Committee ID	Additional Comments	Status	Deviation froi Deviation Reason
2015-208	Candice Tlustosch for Circuit Court Judge	0105639	Filed 3/31 - Lost Primary and Not on Ballot	Closed	Yes Not on Ballot
2015-209	Committee To Elect Matthew P Mooney Judge	0105630	Filed 4/1 - Denied Ballot Status	Closed	Yes Not on Ballot



# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by Elections Division Staff and Presented by:  
Michael Haas  
Elections Division Administrator

**SUBJECT:** Elections Division Update

Since its last Update (March 4, 2015), the Elections Division staff has focused on the following tasks:

### **1. General Activities of Election Administration Staff**

#### **A. Spring 2015 Election**

Results of the Spring Primary and the Special Primary in State Senate District 20 were certified by Judge Vocke the morning of March 3, 2015. Amended Certificates of Nomination for the April 7, 2015 spring election were transmitted to the affected county clerks that afternoon. Staff immediately began receiving requests for approval of election ballot proofs from those county clerks. Most of the county clerks whose counties did not have a judicial primary or whose counties are not in the 20<sup>th</sup> State Senate District had already presented Spring Election ballot proofs for review.

Staff was alerted to a number of administrative incidents in the days before, on and after the day of the April 7, 2015 Spring Election and the special election in the 20<sup>th</sup> State Senate District. A sampling of the incidents are listed in the "Spring Election Issues" sections of this memorandum.

Following the Spring Election, county canvasses began arriving electronically on April 13<sup>th</sup> with the majority arriving on April 14<sup>th</sup>. All but one canvass was received by the April 17<sup>th</sup> deadline, and the final county canvass was received on April 20<sup>th</sup>. All canvasses from the counties in the 20<sup>th</sup> Senate District were received by April 14<sup>th</sup>, and the recount period passed without incident. Judge Vocke signed the special election canvass statement in Rhinelander on Monday, April 20, 2015. The Certification of Election was delivered to the

Senate Chief Clerk immediately upon certification. Staff intends to schedule the certification for the Spring Election on April 29<sup>th</sup>, the date of the Board's meeting.

B. Spring Election Absentee Ballot Issues:

- 1) On March 16, 2015, Judy Dykstra, the clerk for the Town of Swiss in Burnett County, noticed that the paper ballot for the School District of Webster was entitled "Official Primary Ballot," and notified G.A.B. staff. The deadline for municipal clerks to transmit absentee ballots to voters with requests on file was March 17, 2015. Staff contacted the School District to recommend that the ballots be reprinted. The School District representative agreed to reprint the ballots immediately and to mail them out to the affected municipalities before the end of the day.

Judy Dykstra is also the Burnett County Deputy Clerk. Ms. Dykstra contacted the 11 municipalities in the School District and instructed the municipal clerks to only mail out the flawed ballots to military and overseas voters and voters whose ballot would require significant transit time. The remaining absentee requests and any subsequent requests were to be filled when the corrected ballots are received.

- 2) The Forest County Deputy Clerk reported on March 25<sup>th</sup> that all ballots in the county were incorrectly printed listing the office of "Court of Appeals, District 1" instead of "Court of Appeals, District 3." Candidate names were listed correctly. Staff instructed the County Clerk to reprint the ballots for Election Day, but not for absentee ballots that have already been sent.
- 3) The Waukesha County Clerk contacted G.A.B. staff on March 16<sup>th</sup> to report that an arrow was omitted from the write-in line in a "vote for 1" town office election. There were ballot candidates for the office and there were no registered write-in candidates. The town clerk had already mailed ballots to the 13 absentee voters.

The County Clerk advised that corrected ballots were being printed and would be delivered in the next couple of days. The Town Clerk was advised to hold off on mailing subsequent requests until corrected ballots are received unless the request came from a military or overseas voter or a voter whose ballot requires extra transit time.

The County Clerk was directed to caution the Town Clerk about a vote counting issue that could occur due to the absence of the arrow: If a voter cast a vote for a ballot candidate and also writes in a name, the electronic tabulator will record a vote for the ballot candidate. Unless the name written in is that of a registered candidate, no votes should be counted. The inspectors must pay close attention to the affected office when processing absentee ballots. If this marking scenario is noted, the ballot should be remade, leaving the office blank. If noticed after the ballot has been tabulated, a vote must be subtracted from the total votes cast for the ballot candidate.

- 4) On March 16, 2015, the City of Kenosha Clerk notified G.A.B. staff of a delay in ballot printing for the municipalities in Kenosha County. The County Clerk cited the transition to the new "Express Vote" system and the training required to learn the programming as the reason for the delay. Kenosha County said the ballots would be

delivered to the municipal clerks by the end of the week. The county intended to charge the municipalities for expedited shipping costs. Municipal clerks were advised to contact any military or overseas voters and offer to transmit the ballot electronically (by fax, email or MyVote) and also to offer the voter pre-paid, expedited shipping for the return of the ballot. If SVD visits are scheduled before ballots are received, the SVDs should conduct voting with copies of the final ballot proof, which was to be remade at the polling place in order to be accepted by the electronic tabulating equipment.

- 5) The City of Ashland has seven reporting units and two polling places. Ashland County programmed the voting equipment and coded the ballots as one reporting unit. The county reprogrammed the voting equipment and reprinted ballots with the proper coding. Absentee ballots returned before the corrected ballots were created were to be remade at the polling place so that the tabulating equipment will accept them.
- 6) On March 27<sup>th</sup>, the City of Brookfield Clerk emailed the G.A.B. regarding a debate she was having with the City of Oconomowoc clerk. The Brookfield Clerk described her process for emptying the bin beneath the optical scanner during Election Day when the bin becomes full. Her inspectors announce that the bin is full and will be emptied and the ballot secured. However, before securing the ballots in bags, the inspectors sort the ballots by ward. The Oconomowoc Clerk claimed that in November 2012 she was reprimanded by the G.A.B. for using the same process. (Staff does not recall this incident and a search of notes and emails turned up no records.) The Brookfield Clerk wanted written confirmation that her process was appropriate so she could assure the other Waukesha County municipal clerks of its acceptability. Staff advised the Brookfield Clerk that while sorting the ballots immediately saves the inspectors from having to do it later, this process invites suspicion. Staff continues to recommend that sorting of ballots be delayed until after the polls close.
- 7) An anonymous caller contacted the G.A.B. staff on Friday, March 27<sup>th</sup> alleging that the Town of Woodman Clerk gave several ballots to an incumbent candidate for Town Supervisor, who wanted to deliver them personally to the voters who had requested them. Staff contacted the clerk who confirmed the allegation was true and stated she didn't know she couldn't do that. The clerk was told to contact the voters, explain that the ballots were issued improperly and subsequently cancelled, and advise the voters of their options.
- 8) The Town of Upham had two separate Town Supervisor seats up for election (Supervisor 1 and Supervisor 2). Seat 1 had two candidates; Seat 2 had one candidate. The accessible voting equipment was programmed correctly. However, the hand-count paper ballots listed the two seats together (Town Board Supervisor, Vote for not more than 2). The ballots were reprinted and were correct on Election Day. Thirty-eight absentee ballots had been issued. Staff gave the following advice to the clerk:
  1. Send corrected ballots by expedited delivery service to all voters issued absentee ballots along with an explanatory cover letter.

2. Do not send any returned flawed ballots to the polling place. If a corrected ballot is returned by mail by 4 pm on the Friday after the election, the corrected ballot will be processed by the Municipal Board of Canvassers (MBOC) and the original flawed ballot will be rejected.
3. If any voters who have been sent an absentee ballot appear at the clerk's office or at the polling place, allow them to cast a corrected ballot, despite the fact that they may have returned the first ballot. The clerk or election inspectors must document this thoroughly, so that the original flawed ballot may be rejected at the MBOC meeting.
4. If the voter was unable to cast a corrected ballot, the first ballot will be counted.
  - If the voter casts votes for the lone candidate in Seat 2 and one other candidate, both votes should be counted.
  - If the voter casts votes for both candidates for Seat 1, the contest must be considered overvoted and no votes will count.

#### C. Election-Day Issues

- 1) Two municipalities reported that the election inspectors "opened the polls," meaning they made the voting equipment ready for use on Election Day morning. They immediately "closed the polls" in error. The equipment cannot be used once this function has been performed. Both municipalities hand counted the ballots.
- 2) There were several reports of incumbent clerks up for election either working or at least present at the polling place.
- 3) A school in Superior, WI serving as a polling place was put under lockdown for two hours after a threat was made to a school employee.
- 4) Staff fielded many questions regarding how and whether to count write-in votes. Clerks and inspectors are very confused due to the changes made by Act 178.
- 5) There were the usual issues of voters attempting to register on Election Day without current and valid proof of residence.

#### D. Post Election Issues

Close elections spurred a number of potential recounts at the municipal and school district level. The following recounts were of particular interest:

- 1) Town of Cleveland in Jackson County

The Clerk for the Town of Cleveland in Jackson County was a candidate for Town Supervisor and won by 14 votes. The Clerk's son was a candidate for Town Clerk. Before Election Day, staff was notified by a voter that the Clerk was conducting absentee voting at his office, which is in his home, where a campaign sign promoting

the Clerk for Supervisor was placed more than 100 feet away from the home. Staff advised that the Clerk should remove the sign even though it was not certain whether the activity was electioneering in the strict sense of the Statutes. The Clerk refused. Subsequently staff learned that the Clerk had also appointed his wife and a family friend as deputies to assist with the absentee ballot process.

Petitions for recount were filed for the offices of Town Supervisors 1 and 2 and Town Clerk. Contacts with the candidates suggested that although the vote margins were close, another reason for the petitions was the sense that voters had been influenced or intimidated due to the actions of the Clerk relative to the absentee voting process. Two attorneys representing one of the petitioners were present at the recount and requested to question the Clerk under oath. The District Attorney had also been called to testify. The Board of Canvassers refused the request and neither was deposed. The recount confirmed the original vote totals.

2) Town of Mercer in Iron County, Sanitary District

A recount was held for the election of Sanitary District Commissioner in the Town of Mercer Sanitary District. The incumbent commissioner lost by 62 votes (105 to 43). The incumbent believed that persons who were eligible to vote in the district were not listed as such on the poll list and were not given sanitary district ballots.

Staff investigated and found that 13 registered voters in the Town of Mercer had possibly been misassigned in SVRS as being outside the sanitary district. Those voters would not be listed as sanitary district voter on the poll list. Eleven of the 13 voted on April 7, 2015. There were 154 sanitary district ballots issued, 152 ballots counted (148 ballots contained votes for the office, and four ballots were undervoted.) Even if the 11 voters in question had received sanitary district ballots, and each one voted for the incumbent, the votes would not make up the 62 vote difference.

SVRS staff is comparing sanitary district maps and lists of sanitary district voters provided by the district to determine that the district boundaries are correct and voters properly assigned in SVRS.

**2. Voter Registration Statistics**

The following statistics summarize statewide voter registration activity year-to-date as of April 7, 2015:

<b>Category</b>	<b>Voters</b>
<b>Active Voter Registrations</b>	3,473,438
<b>Inactive Voter Registrations</b>	1,166,098
<b>Cancelled Voter Registrations</b>	442,677
<b>HAVA Checks Processed In 2015</b>	12,674
<b>Merged Voter Registrations Processed In 2015</b>	15,860

### 3. Voter Data Requests

The following statistics summarize voter data requests as of April 7, 2015:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2015 to date	615	395	64.23%	\$214,151.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

As more fully described in the May 21, 2014 Division Update, G.A.B. staff launched **BADGER Voters** (<http://BADGERVoters.gab.wi.gov>), an online application for processing common requests for voter data, on April 25, 2014. Staff has received positive feedback from individuals and organizations requesting voter data, as well as from local clerks who may direct requestors of localized data to the site. Since its launch, the site has managed about 737 requests and 461 purchased data files, generating nearly \$246,000 of revenue and reducing agency costs by over \$161,000. Staff continues to study potential enhancements to the website that could result in improved customer service and greater efficiencies. As of April 7, 2015, the BADGER Voters site has resulted in a net benefit of approximately \$360,000 for the G.A.B. The initial development costs were less than \$50,000.

### 4. WEDCS and SVRS Data Quality

#### A. WEDCS Reporting

Board staff concluded efforts to seek municipal and county clerk compliance with several reporting requirements following the 2014 General Election. Staff made numerous and repeated contacts with clerks, their providers (if relier municipalities), and county clerks to attempt to get all reports completed.

The GAB-190F Election Administration and Voting Statistics Report was due to be entered into the Wisconsin Elections Data Collection System (WEDCS) by December 4, 2014. All municipalities have now completed these reports.

Once all reports were complete, Board staff reconciled data between votes recorded in SVRS, total voters reported in WEDCS, and the total votes for the Office of Governor in the Canvass Reporting System. Staff then followed up with clerks to resolve any discrepancy of three or more votes or a difference of one percent or more within any reporting unit. After all data was reconciled, including checking WEDCS data for accuracy (e.g., not having more absentee ballots counted than issued), staff used the SVRS and WEDCS data to complete several major federal reporting requirements: The US Election Assistance Commission’s Election Administration and Voting Survey (EAVS), and the Federal Voting Assistance Program’s grant reporting requirements related to the development and use of My Vote Wisconsin. Cumulatively, staff completed reporting on more than 600 data points for each reporting unit on behalf of all of Wisconsin’s municipal and county clerks. This equates to more than 2 million total data points.

The GAB-191 Election-Specific Cost Report must be completed by each municipality and county, and is due within 60 days of the election (January 5, 2015). The Town of Plymouth (Juneau County) was the only municipality that did not complete this report.

The GAB-192 Annual Elections Cost Report is also due from each municipality and county by January 31, 2015 for the preceding year. Six municipalities failed to complete this report:

- the Town of Buffalo (Buffalo County),
- the City of Alma (Buffalo County),
- the Town of Anderson (Burnett County),
- the Town of Birch Creek (Chippewa County),
- the Town of Plymouth (Juneau County),
- and the Town of Honey Creek (Sauk County).

Municipal clerks were also required to report several statistics related to Election Day Registration address verification postcards by February 2, 2015. As of April 3, 2015, all municipalities have completed this report.

These statistics and summaries and a list of the municipalities that failed to complete reporting requirements are available on the G.A.B. website:  
<http://gab.wi.gov/publications/statistics/gab-190/November-2014>.

#### B. 2015 Spring Election SVRS Wrap-Up

Board staff created, posted and sent Checklist III for the 2015 Spring Election to all county and municipal clerks. Staff creates and distributes three SVRS Checklists for each election to guide local election officials through their responsibilities to create, process and maintain data related to voters, candidates, ballots, and polling places for each election. The Checklists are tools that county and municipal clerks use to guide and track their pre- and post-election duties in SVRS.

Checklist III for the Spring Election was distributed March 30, 2015. Checklist III specifically covers post-election tasks assigned to the clerks. These duties include: entering any provisional ballots and/or the number of outstanding absentee ballots using the CRM ElectionData website; counting, tabulating, recording, and posting votes; entering and processing both Late Registrations and Election Day Registrations (EDRs); recording voter participation and filling out the GAB-190NF and the GAB-191. Once these tasks are completed the election results are reconciled, and clerks can proceed to close the election in SVRS.

To provide the Board with an illustration of the work involved in developing SVRS checklists and the type of tasks and timing required of local election officials, Checklist III for the Spring Election is attached as Attachment 1.

G.A.B. staff continued running 2015 Spring Election data maintenance queries until the day before the election; on average, the queries were conducted every two days. Data

quality maintenance checks allow G.A.B. staff to monitor clerk progress and identify errors. Some common errors occurred in the contest and candidate ballot setup. Clerk outreach by G.A.B. staff was then conducted to correct any problems.

The process of developing the SVRS Checklists, monitoring clerks' progress, completing data quality checks, and entering contest and candidate information involves the entire SVRS team, along with assistance from the Elections Administration team.

## **5. Voting Equipment Testing and Demonstration**

An application for approval of the Dominion Democracy Suite Voting System was received on March 16, 2015. The functional test, public test, and WIEAC meeting was scheduled to be held April 21 - 23, 2015. The road test, which tests the modem capability of the voting system, is occurring April 28 - 30, 2015. Staff's recommendation concerning the approval of the Democracy Suite Voting System will be presented to the Board at the June 18, 2015 meeting.

An application for approval of the Election Systems & Software (ES&S) Unity 3.4.1.0 and Unity 3.4.1.1 was received on March 20, 2015. Currently, the schedule of G.A.B. staff and ES&S does not allow for the testing of the Unity Systems prior to the June 18, 2015 Board meeting. ES&S will contact G.A.B. staff in mid-June to begin the approval process. At that time, G.A.B. staff will produce an approval schedule for the ES&S Unity 3.4.1.0 and Unity 3.4.1.1 voting systems. G.A.B. staff plan to present staff's recommendation concerning the approval of the ES&S Unity 3.4.1.0 and Unity 3.4.1.1 voting systems at the September Board meeting.

An application for approval of Engineering Change Order (ECO) 918 for the ES&S EVS 5300 voting system was received on March 26, 2015. This ECO is a *de minimis* change to the end of life modem of the DS200. A separate report has been submitted to the Board, which also contains staff's recommendation to Director and General Counsel Kennedy, and Director and General Counsel Kennedy's draft approval letter to ES&S for ES&S ECO 918.

## **6. The AccessElections! Accessibility Compliance Program**

### **A. Polling Place Audits for the Spring Election**

For the 2015 Spring Election, 148 polling places were audited. Thirteen temporary workers were hired and trained to conduct onsite accessibility compliance audits in 83 municipalities in Marinette, Marquette, Milwaukee, Oconto, Portage, Walworth, Washington, Waukesha and Waushara counties. Included in these totals are 53 audits conducted at polling places in the City of Milwaukee. Reports will be created for each conducted audit and provided to each municipality once the data has been verified.

Geographic areas with a significant number of unvisited polling places were included in the audit plan for this election. Audits were conducted in the City of Milwaukee for the first time since 2012, an effort that significantly reduced the number of unaudited locations in the city. Staff continues to create audit plans for each election in an attempt to ensure that all polling places in Wisconsin are visited by the audit program by the end of the 2016 election cycle.

Temporary staff auditors were recruited from both a state-approved staffing agency and an agency that is not under the state contract. Recruiting a sufficient number of qualified auditors was again a challenge for this election, but a full team was ultimately developed late in the recruiting period. Due to a shortage of candidates, staff obtained a waiver from the Department of Administration to use an agency that was not on the state contract. All potential auditors went through an interview process. The auditors were required to attend a two-day training event. Training consists of a review of the polling place accessibility survey and Americans with Disabilities Act standards, training on the tablet computers used to gather the survey data, and a mock polling place exercise at a City of Madison polling place. The auditors were also provided with a tutorial on accessible voting equipment and given training on all of the tools they need to conduct the site visits.

The accessibility coordinator leads the audit program and is assisted by 5-7 other staff. Before each election, an audit plan is submitted to management for approval. Various staff provide help with recruiting temporary staff, scheduling and conducting interviews, identifying audit locations, creating maps and routes for auditors, training temporary staff on the survey instrument and touchscreen tablet, and coordinating with the staffing agencies concerning billing, scheduling and human resource issues.

B. Development of Polling Place Accessibility Reporting System

Staff continued to work with the IT team to finalize an online portal that will provide local election officials with electronic access to their audit reports. Functional and usability testing of the system is complete and final updates are in progress. Once complete, staff will notify local election officials about the system and begin using it to transmit audit data.

C. Ongoing Accessibility Compliance Efforts

Staff continues to coordinate with municipal clerks to ensure that accessibility problems uncovered during previous audits are resolved as quickly and cost-effectively as possible. In addition, staff arranged for the shipment of 52 grant-funded accessibility supplies to six municipalities in response to documented needs. Several accessibility-related items, such as page magnifiers and signature guides, have been restocked due to continued demand, while the polling place signage inventory will continue to be liquidated.

D. Accessibility Advisory Committee Meeting

Staff met with the Accessibility Advisory Committee in advance of the Spring Election on March 12, 2015. Representatives from five disability advocacy organizations participated in the meeting. The agenda included updates from staff concerning the polling place audit program, upcoming voting equipment testing, and the status of the voter photo ID law. Committee members also engaged staff in discussions about accessibility-related information displayed on the MyVote Wisconsin website and public outreach and education efforts. The committee agreed to a meeting in the fall of 2015 to discuss preparations for the 2016 election cycle.

## **7. Education/Training/Outreach/Technical Assistance**

Following this memorandum as Attachment 2 is a summary of information on core and special election administration training recently conducted by G.A.B. staff. Following the Spring Election, the training team and elections specialists are currently focusing on updating and distributing information related to the implementation of the voter photo identification requirement for special elections which will occur over the next several months, starting on May 19, 2015 in two separate school districts. The photo ID implementation plan is summarized further under a separate agenda of the Board materials.

## **8. GIS (Geographic Information Systems) Update**

Board staff continued to process changes to ward, school, supervisory, sanitary, or municipal boundaries that take place throughout the State of Wisconsin, as well as acquiring any of these data types directly from local municipal or county land information departments. Several school and ward boundary updates were made in specific municipalities prior to the April 7<sup>th</sup> Election. Updates were made in twelve counties from data received by local land information offices due to annexations and school boundary discrepancies that were reported.

Board staff continues to work with the State Agency Geospatial Information Committee (SAGIC) to assist in state agency acquisition of local land information data. Continued involvement with SAGIC helps to facilitate and develop partnerships as well as more efficient data acquisition of spatial information. Accurate GIS data is essential to ensuring accurate ballot assignment within SVRS.

## **9. IT Projects**

Several IT projects are in progress for the Elections Division:

### **A. SVRS Updates**

There were no updates to SVRS implemented during this reporting period.

### **B. SVRS Modernization**

Design and development continue on the SVRS Modernization project. Each of the staff teams continue to work on their functional areas (Voter, Elections, Absentee, Districts). Robert Mate, one of the new SVRS Specialists, has taken on the assignment of Project Manager for the agency staff teams. He will work with the IT project manager to ensure that both the staff teams and the IT team continue to make progress according to the project timeline.

### **C. MyVote Wisconsin**

In September 2014, GAB staff updated the MyVote website to include information about the photo ID requirement. The build of the MyVote website that included the photo ID changes was labeled version 1.9. The changes to 1.9 included photo ID information in relevant areas of the site such as absentee information and the provisional ballot tracker.

Upon the injunction of the photo ID law prior to the November 2014 election, GAB staff rolled the MyVote website back to version 1.8 to remove all references to the photo ID law. Since then, staff has also implemented a few small changes into MyVote. The small changes have been labeled as version 1.8.1. In order to accommodate the reinstatement of the photo ID law for 2015, GAB staff will again update the MyVote site, using the same 1.9 version of MyVote, while also incorporating the additional changes of 1.8.1. Staff anticipates that the version 1.9 photo ID changes will be implemented in the test environment by April 21 and that upon successful testing, the 1.9 photo ID changes will be incorporated into the MyVote site no later than April 25, 2015.

D. Voter Felon Audit

Board staff has completed post-election felon audits for elections through the February 17, 2015 Spring Primary. The felon audit for the 2015 Spring Primary was completed within 40 days of the election. All referrals to district attorneys resulting from the audit have been made. This is a dramatic improvement over the prior process in both timeliness and accuracy. Board staff will perform the post-election felon audit for the 2015 Spring Election after May 7, 2015 when municipal clerks have completed entering voter registration and voter participation in SVRS.

At its March 4, 2015 meeting, the Board directed staff to provide semi-annual reports regarding actions taken by district attorneys related to referrals resulting from the post-election felon audit process. Board staff will be providing the first of these semi-annual reports at the June 18, 2015 Board meeting.

E. Canvass Reporting System

Board staff provided support and assistance to municipal and county clerks using the Canvass Reporting System (CRS) to report unofficial election night results for the April 7, 2015 Spring Election. Municipal clerks in Sheboygan, Milwaukee, and Waukesha Counties entered unofficial election night results into CRS and used the reports generated from CRS to post unofficial election night results. Clerks reported no issues with CRS on election night, and reporting unofficial results went smoothly.

Staff also supported counties who uploaded results files directly from their voting equipment compilation software. Before Election Day, staff obtained and uploaded test files from each of these counties. Staff assisted many counties with local contest set up and configuration in SVRS. The SVRS contest set up in spring elections requires great attention to detail in order for the CRS reports to print municipal contests in the correct order.

F. Four-Year Voter Record Maintenance

No later than June 15 following each general election, Wisconsin Statute §6.50(1) directs the Government Accountability Board to examine voter registration records for each municipality and identify each elector who has not voted within the previous four years if qualified to do so during that entire period and mail a Notice of Suspension of Registration to the elector. This process of updating the registration list is commonly referred to as

“four-year maintenance,” and it requires that a mailing be sent every two years. As of April 16, 2015 Board staff has identified 100,590 voters that must be sent notices. In the past, the G.A.B. has contracted with a printing and mailing service to print and mail the notices. Board staff is requesting Board approval to post a Request for Bid for printer and mailing services to print and mail the Notices of Suspension of Registration required to be sent following the 2014 General Election. A separate memorandum is included in the Board materials summarizing the request and the four-year maintenance mailing.

#### G. Adjudicated Incompetents Ineligible List

Staff has completed much of the design and development to create a searchable list of all persons who have been adjudicated incompetent by a Wisconsin court and are ineligible to vote pursuant to Wisconsin Statute 6.03 (1) (a), as well as those who have since had their right to vote restored. As part of the process, agency management and staff counsel have reviewed the G.A.B.’s role in collecting and transmitting information related to individuals adjudicated as incompetent to vote pursuant to the Statutes. A separate memorandum is included in the Board materials outlining this topic and staff recommendations.

### 10. G.A.B. Customer Service Center

The Help Desk staff is supporting over 2,000 active SVRS users, the public, and election officials. The Help Desk is continuing to maintain the two training environments utilized in the field to facilitate remote SVRS training and accessibility tablets utilized in polling place surveys. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff also have been serving on various project teams such as the STAR project, Records Retention Taskforce and SVRS Modernization and MyVote Wisconsin teams and continue to maintain and update G.A.B. clerk contact and Listserve lists.

Staff assisted with testing SVRS and system improvements, coordinating and assisting with upgrade projects instituted by the Department of Administration (DOA) and administering G.A.B. Exchange email system. Staff is assisting DOA with Firewall, VLAN and security updates in the G.A.B. environment at the datacenter. Staff will be facilitating the migration of G.A.B. staff computer accounts from the SASI domain to the Accounts domain.

Overall, the majority of inquiries the G.A.B. Help Desk received from clerks during this period were regarding the following: providing assistance with preparing for the April Spring Election and closing the February Primary, voter proof of residence, logging into the CRM system for ineligible lists and canvass, printing ineligible voter lists, tracking absentee and provisional ballots, printing poll books, absentee processing, producing SVRS reports, and related election processes. Help Desk staff assisted clerks with configuring and installing SVRS and WEDCS (GAB-190) on new computers.

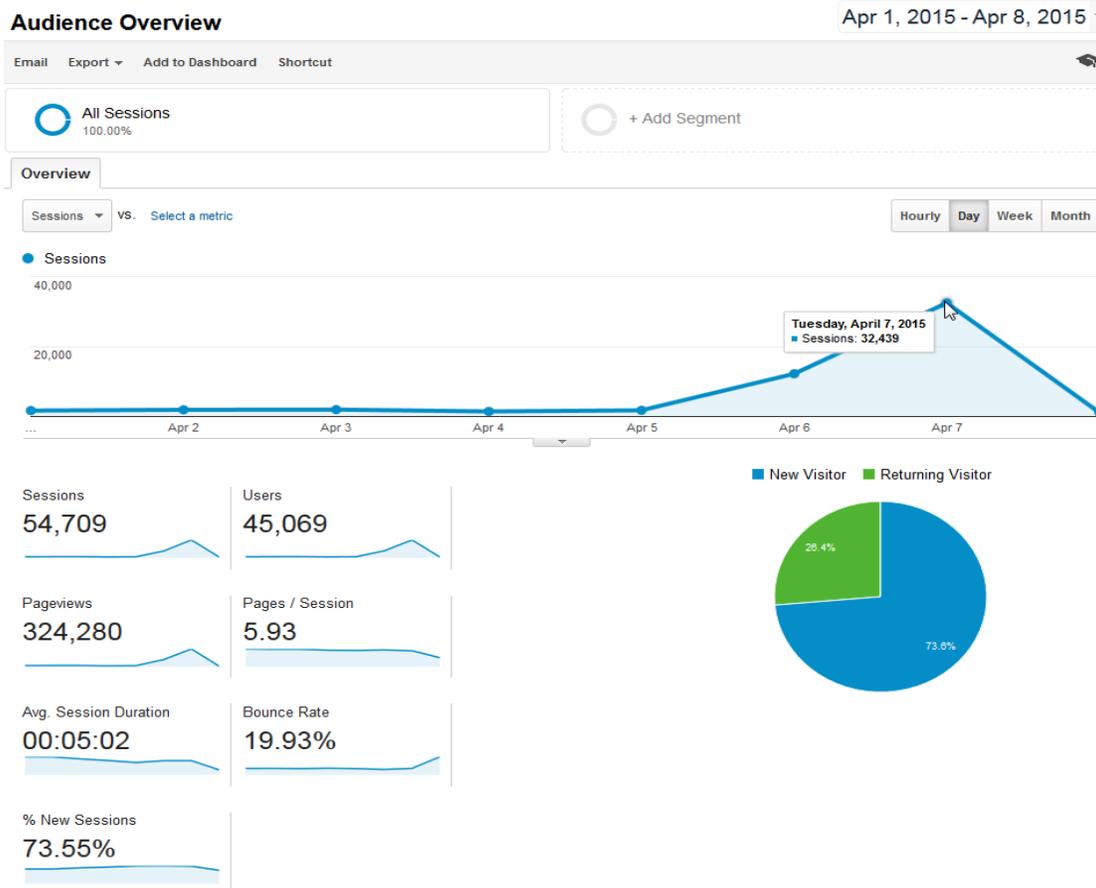
Public and elector inquiries were primarily from candidates and the public with questions about the nomination process and ballot access for local offices, finding a sample ballot, and other election-related inquiries. Calls for this period also consisted of campaign finance reporting issues, lobbyist reporting and the Statements of Economic Interests filing, CFIS and Lobbying systems also generated an amount of call traffic prior to the filing deadlines.

G.A.B. SVRS Help Desk Call Volume  
 (608-261-2028)

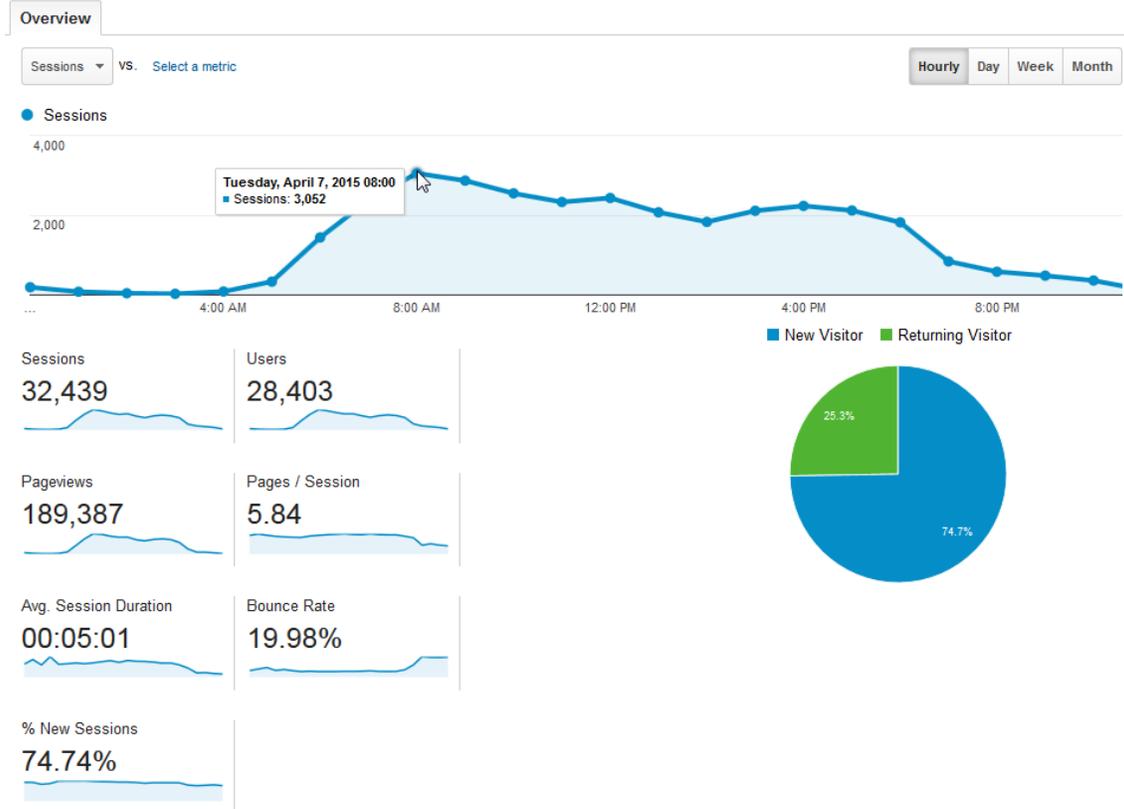
Front Desk Call Volume  
 (608-266-8005)

February 2015	866	604
March 2015	908	756
To April 15, 2015	781	602
<b>Total Calls for Reporting Period</b>	<b>2,555</b>	<b>1,962</b>

The graph below illustrates visitor traffic to the MyVote Wisconsin website for the week of the Spring Election, April 2 to April 7. The high point was 32,439 sessions on April 7.



MyVote activity for Election Day by the hour: high point was 8:00 am with 3,052 sessions, hovering around 2,000 sessions per hour for the afternoon.



## 11. Voter Outreach Services

Since the G.A.B.'s launch of its Facebook and Twitter accounts in April of 2012 the number of people the agency is able to reach through social media continues to grow.

The G.A.B. Facebook account currently has over 1,100 likes (people following the page). On average, each post reaches a viral audience of 500 additional people, with the more popular posts generating an additional reach of up to 10,000 people. G.A.B. staff typically publishes two or more posts daily on Facebook during the six to eight weeks before an election. The posts around election time can generate an even broader reach with some posts reaching more than 20,00 Facebook users. During the periods of time between elections, the frequency of posts decreases to around three per week.

The G.A.B. Twitter account currently has over 1,500 followers. Additional statistics for reach and viral impact are not available for Twitter. However, a number of news media sources "re-tweet" G.A.B. posts regularly. Because of these "re-tweets" each G.A.B. post reaches additional Twitter users, beyond the 1,000 followers. G.A.B. staff typically publishes two or more posts daily on Twitter during the six to eight weeks before an election. During periods of time between elections, the frequency of posts decreases to around three per week.

Currently, G.A.B. staff is reviewing the voter outreach photo ID materials from the 2014 implementation. With the exception of a few minor changes, such as the ID expiration dates, the materials are still current. The Voter Photo ID Outreach team will continue its review and

edit for clarity over the next few weeks. All voter outreach materials will be posted and available prior to the May and June Special Elections.

## **12. Complaint Processing and Tracking**

Elections Division staff has implemented the complaint management and tracking processes approved by the Board as a result of the Legislative Audit Report recommendations. A status report regarding pending complaints will be included in the Board Members' meeting folders.

## **13. Staffing Changes**

Board staff completed the recruitment and hiring of three new SVRS Elections Specialists and welcomed Peter James, Robert Mate, and Mai Choua Tao to serve in those positions in late March. Each of these individuals has brought excellent technology and customer service skills to the SVRS team. They have undergone an intensive introduction to SVRS and are contributing to the success of our SVRS services and development.

With their hiring, the Elections Division has a full complement of Elections Administration Specialists and SVRS Elections Specialists for the first time in several years. This has also allowed the agency to transition SVRS duties that were still being completed by Brian Bell and Kyle Kundert, two former Elections Division staff members who transferred to the Ethics and Accountability Division but continued to assist with SVRS and data collection and management tasks. The Elections Division greatly appreciates their willingness to continue to assist our team and local election officials during the extended period when their former positions remained vacant.





## SVRS Election Checklist III: Election Night and Post-Election Activities

2015 Spring Election – April 7, 2015

If necessary, please review [Checklist II](#) for the Spring Election.

***IMPORTANT NOTE:*** Photo ID will ***not*** be in place for the 2015 Spring Election, but will be in place for all subsequent elections thereafter, including any special elections. For further information, please read the [March 23, 2015 news release](#).

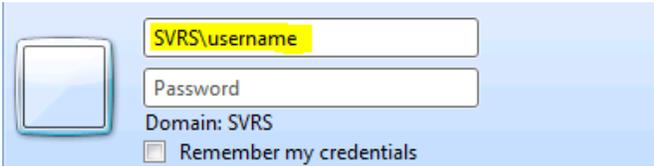
This Checklist includes the following for the 2015 Spring Election:

- ✓ Election Night Activities
- ✓ Post-Election Activities
  - Entry of Late Registration Applications and Election Day Registrations (EDRs)
  - Completion of the [GAB-190NF](#) Form (30 days after the election) and the [GAB-191](#) Form (60 days after the election)

*Italicized language will refer to items listed in your [SVRS Manual](#) or the [Election Day Manual](#).*

Please complete the tasks as outlined. Contact the G.A.B HelpDesk at 608-261-2028 or [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov) with any questions.

### Steps 1 - 5 ARE PERFORMED AFTER THE POLLS CLOSE ON ELECTION NIGHT

Tasks To Complete	Explanation
<input type="checkbox"/> <b>Step 1:</b> Public notice of absentee and provisional information	→ <u>As soon as possible after the closing hour for all polling places in a municipality</u> , the municipal clerk must post at his /her office, and on the Internet, the number of outstanding absentee ballots and the number of provisional ballots cast on Election Day.
<input type="checkbox"/> <b>Step 2:</b> Record information from the Provisional Ballot Reporting Form ( <a href="#">GAB-123r</a> ), even when no provisional ballots are issued	→ <u>As soon as possible on Election Night</u> : Record each provisional ballot (or record that no provisional ballots were issued) using the Provisional Ballot Tracking System located on the <a href="#">CRM ElectionData website</a> .  <i>SVRS Manual: <a href="#">Provisional Tracking System Chapter</a></i>  <b>REMINDER:</b> When accessing the CRM website, "SVRS\" needs to precede your username. <div style="text-align: center; margin-top: 10px;">  </div>
<input type="checkbox"/> <b>Step 3:</b> Count ballots, tabulate votes, record on tally sheets and complete forms	→ Count ballots, tabulate and record votes on appropriate Tally Sheets and complete necessary forms.  <i><a href="#">Election Day Manual</a>: Post-Election Checklist, pg. 124</i>



## SVRS Election Checklist III: Election Night and Post-Election Activities

2015 Spring Election – April 7, 2015

Tasks To Complete	Explanation
<p><input type="checkbox"/> <b>Step 4:</b> Send election materials to County Clerk <i>(Complete this step if you had a State or County contest on the ballot)</i></p>	<ul style="list-style-type: none"> <li>➔ Municipalities send one original copy of each poll list, one original Tally Sheet and copy of Inspectors' Statements to the County Clerk by 4:00 p.m. the day after the election.</li> <li>➔ Counties are required to enter results for all state contests into the <a href="#">G.A.B. Canvass Reporting System</a>. State contests include: State Senate District 20, Justice of the Supreme Court, Court of Appeals, Circuit Court Judge, and the statewide referendum.</li> </ul> <p style="text-align: center;"><i><a href="#">Election Day Manual</a>: Post-Election Checklist, pg. 124 (See Step 2 for login reminder).</i></p>
<p><input type="checkbox"/> <b>Step 5:</b> For school district elections, send election materials to the School District Clerk</p>	<ul style="list-style-type: none"> <li>➔ Municipalities send one certified copy of each poll list, one original Tally Sheet and a copy of the Inspectors' Statements to the School District Clerk by 4:00 p.m. the day after the election.</li> </ul> <p style="text-align: center;"><i><a href="#">Election Day Manual</a>: Post-Election Checklist, pg. 124</i></p>

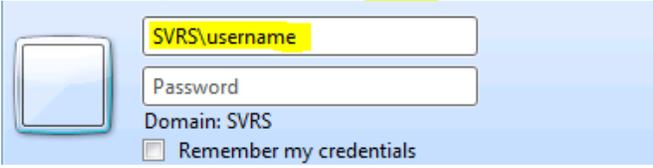
**STEPS 6 - 14 ARE PERFORMED BY SELF-PROVIDERS AND PROVIDERS,  
TO BE COMPLETED BY MAY 7, 2015 (30 DAYS AFTER THE ELECTION)**

Tasks To Complete	Explanation								
<p><input type="checkbox"/> <b>Step 6:</b> Self-Providers or Providers for their Relier(s) <u>enter and process Late Registrations</u> in SVRS</p>	<ul style="list-style-type: none"> <li>➔ <b>Choose App Source as "Late Registration."</b></li> <li>➔ Please make sure to complete <b>ALL</b> of the Proof of Residence (POR) fields on the Voter Application in SVRS.</li> </ul> <div style="border: 1px solid #ccc; padding: 5px; margin: 10px 0;"> <p style="text-align: center; color: red; font-weight: bold;">EXAMPLES</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid #ccc;">Identity Check</td> <td style="width: 50%; border-bottom: 1px solid #ccc;">Identity Check</td> </tr> <tr> <td>POR Type: <input type="text" value="Utility Bill"/></td> <td>POR Type: <input type="text" value="WI Drivers License or ID Card"/></td> </tr> <tr> <td>POR Acct#: <input type="text" value="8300"/></td> <td>POR Acct#: <input type="text" value="5808"/></td> </tr> <tr> <td>POR Entity: <input type="text" value="MG&amp;E"/></td> <td>POR Entity: <input type="text" value="DOT"/></td> </tr> </table> </div> <p style="text-align: center;"><i>SVRS Manual: <a href="#">Post Election Activities</a> SVRS Manual: <a href="#">Voter Applications</a> (pgs. 3-16)</i></p>	Identity Check	Identity Check	POR Type: <input type="text" value="Utility Bill"/>	POR Type: <input type="text" value="WI Drivers License or ID Card"/>	POR Acct#: <input type="text" value="8300"/>	POR Acct#: <input type="text" value="5808"/>	POR Entity: <input type="text" value="MG&amp;E"/>	POR Entity: <input type="text" value="DOT"/>
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POR Acct#: <input type="text" value="8300"/>	POR Acct#: <input type="text" value="5808"/>								
POR Entity: <input type="text" value="MG&amp;E"/>	POR Entity: <input type="text" value="DOT"/>								
<p><input type="checkbox"/> <b>Step 7:</b> Self-Providers or Providers for their Relier(s) <u>enter and process Election Day Registrations</u> in SVRS</p> <p><i>NOTE: When using the default setting, ensure that all defaulted information is accurate for each application</i></p>	<ul style="list-style-type: none"> <li>➔ <b>Choose App Source as "Election Day Registration" (or "Online Election Day Registration").</b> This will automatically record a vote. If no ballot was issued and the voter only filled out a GAB-131 at the polling place, choose the App Source of "Election Day Registration – No Ballot Issued."</li> <li>➔ If any Election Day Registrations are incomplete applications, see the SVRS Manual for instructions on processing the applications.</li> <li>➔ Please make sure to complete <b>ALL</b> of the Proof of Residence (POR) fields on the Voter Application in SVRS. <i>(See examples in Step 6).</i></li> </ul> <p style="text-align: center;"><i>SVRS Manual: <a href="#">Post Election Activities</a> (pgs. 5-7) SVRS Manual: <a href="#">Voter Applications</a> (pgs. 17-18)</i></p>								



## SVRS Election Checklist III: Election Night and Post-Election Activities

2015 Spring Election – April 7, 2015

Tasks To Complete	Explanation
<input type="checkbox"/> <b>Step 8:</b> Self-providers <u>who use SVRS for absentee tracking</u> will perform post-election absentee tasks.	<ul style="list-style-type: none"> <li>➔ Record late-arriving absentee ballots as returned.</li> <li>➔ Cancel all absentee ballots not returned after the deadline of Friday, April 10 at 4:00 p.m.</li> </ul> <p style="text-align: right;"><i>SVRS Manual: <a href="#">Absentee Ballots</a>, pg. 39</i></p>
<input type="checkbox"/> <b>Step 9:</b> Record Voter Participation	<p style="text-align: right;"><i>SVRS Manual: <a href="#">Post Election Activities</a>, pgs. 8-11</i></p>
<p><b>SVRS has three useful reports for reconciling the poll book with SVRS voter participation:</b>            Vote Count by Voting Method, Voter Participation Report and Voter Participation-All Voters.            If your results do not match, please see directions provided in the <a href="#">Post-Election Activities Chapter</a>, pgs. 12-22.</p>	
<input type="checkbox"/> <b>Step 10:</b> Review Poll Book	<ul style="list-style-type: none"> <li>➔ Update voter records in SVRS with any information provided by the voter, indicating typographical errors on the poll book.</li> </ul>
<input type="checkbox"/> <b>Step 11:</b> <b>ALL</b> municipalities are required to complete the <a href="#">GAB-190NF</a> Form in WEDCS <b>by May 7, 2015</b>	<ul style="list-style-type: none"> <li>➔ <b>ALL</b> municipalities are required to fill out the <a href="#">GAB-190NF</a> Form.</li> <li>➔ Please use the <a href="#">190 Help Guide</a> for further instructions on how to complete the <a href="#">GAB-190NF</a> Form.</li> </ul> <p style="text-align: right;"><i>WEDCS: <a href="https://wedc.gab.wi.gov">https://wedc.gab.wi.gov</a></i></p> <p><b>REMINDER:</b> When accessing the WEDCS website, "<b>SVRS\</b>" needs to precede your username.</p> <div style="border: 1px solid #ccc; padding: 5px; width: fit-content; margin: 0 auto;">  </div>
<input type="checkbox"/> <b>Step 12:</b> <b>ALL</b> municipalities AND counties complete the <a href="#">GAB-191</a> Form in WEDCS <b>by June 8, 2015</b>	<ul style="list-style-type: none"> <li>➔ <b>ALL</b> municipalities AND counties are required to fill out the <a href="#">GAB-191</a> (election costs) Form.</li> <li>➔ Election costs only need to be provided once for each entire municipality/county, not for each reporting unit. All jurisdictions will see a <a href="#">GAB-191</a> in WEDCS.</li> <li>➔ This report <u>only</u> includes costs specifically related to the Spring Election.</li> </ul> <p style="text-align: right;"><i>WEDCS: <a href="https://wedc.gab.wi.gov">https://wedc.gab.wi.gov</a> (See Step 11 for login reminder).</i></p>
<input type="checkbox"/> <b>Step 13:</b> Municipalities close the election	<ul style="list-style-type: none"> <li>➔ In SVRS, please check Milestones 6 - 9 to close the election.</li> </ul> <p style="text-align: right;"><i>SVRS Manual: <a href="#">Post Election Activities</a>, pg. 26</i></p>
<input type="checkbox"/> <b>Step 14:</b> Counties close the election	<ul style="list-style-type: none"> <li>➔ Once <b>ALL</b> municipalities within the county have closed the Election, counties should check Milestones 4-9 in SVRS to close the election.</li> </ul>

**NOTE:** Once Post-Election Activities are completed within 30 days after the election, the G.A.B. can run the Voter Felon Audit.



**ATTACHMENT #2**

GAB Election Division's Training Initiatives  
3/6/2015 – 4/28/2015

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
SVRS "Initial" Application and Election Management/HAVA Interfaces	Instruction in core SVRS functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the SVRS application software.	2	34
SVRS "Advanced" Election Management	Instruction for those who have taken "initial" SVRS training and need refresher training or want to work with more advanced features of SVRS.	2 types of classes: Absentee Process; Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	2	20
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	1	75
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	5	200

**ATTACHMENT #2**

GAB Election Division's Training Initiatives  
3/6/2015 – 4/28/2015

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Election Administration & SVRS Training Webinar Series	Series of 8 - 12 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	45 – 120 minute webinar conference hosted and conducted by Elections Division staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	3/4/15: Preparing for the April Election; 4/23/15: Voter Photo ID Law Information	50 – 400 per webinar; posted to website for clerks to use on-demand.
Other	<ul style="list-style-type: none"> <li>• Board staff presented election administration and SVRS information on 3/3/2015 to clerks attending the Wisconsin County Clerks Association winter conference in Madison.</li> <li>• Board staff conducted special webinar for clerks and election workers in districts with special elections.</li> <li>• Board staff updating Election Day Manual, Election Administration Manual and forms and other materials to reflect the provisions of the voter photo ID law.</li> </ul>				

# State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the April 29, 2015 Meeting

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared by: Kevin J. Kennedy, Director and General Counsel  
Sharrie Hauge, Chief Administrative Officer  
Reid Magney, Public Information Officer

**SUBJECT:** Administrative Activities

### Agency Operations

#### Introduction

The primary administrative focus for this reporting period has been STAR Project preparations, financial services activity, procuring goods and services, contract sunshine administration, recruiting staff, communicating with agency customers and developing legislative and media presentations.

#### Noteworthy Activities

##### 1. STAR Project

The State Transforming Agency Resources (STAR) Project is a statewide project that will consolidate multiple outdated human resource, procurement and financial business IT systems into one efficient, transparent and modern enterprise-wide system.

The financial staffs' (Sharrie, Julie, Mike) involvement in preparing for STAR implementation has increased significantly. In March the financial staff worked approximately 78 hours on STAR-related Tasks. In April to date, the financial staff has spent approximately 111 hours working on STAR-related tasks.

Financial staff attended both half-day and full-day PeopleSoft sessions on user acceptance testing for Release 1 (finance and procurement), on business process workshops for Release 2 (payroll and benefits), and on training liaison duties. Also completed were the required tasks due by the 15<sup>th</sup> of each month, including the finance and procurement security

role mapping workbooks, and the time and labor task profile workbooks. Voluntary participation in the PeopleSoft system integration testing was initiated, but then discontinued because of other priorities.

The agency was also required to assign an agency Deployment Coordinator (Sharrie) for STAR Release 1. The Deployment Coordinator is responsible for defining and coordinating all agency activities required for deployment, defining a deployment contingency plan, managing the agency's Cutover Checklist and timeline and supporting the Agency Implementation Team.

The Cutover Calendar is currently scheduled to begin in early June and the "go-Live" date is scheduled for July 1. Each agency is required to draft their agency's cutover checklist by May 8, 2015, prioritize steps and decisions needed for May activities, ensure all major decisions are resolved and key steps/resources are confirmed for all pre-July 1 activities and further refine later cutover activities to be expected.

Since some of these activities will occur during the same timeframe as ending fiscal year tasks and new fiscal year tasks, the FY-16 purchase orders will need to be completed manually in the old-system prior to July 1 and then converted to People Soft after July 1.

The STAR Project has become increasingly more labor intensive and will continue to require dedicated G.A.B. staff resources to ensure a successful transition to the new enterprise-wide system. Staff will continue to keep the Board apprised as the STAR project moves forward.

## 2. Financial Services Activity

- Staff logged federal grant time worked by program, along with state project hours, then calculated and booked the third quarter payroll adjusting entries, to properly allocate salaries and fringe benefits between federal and state programs. Employees are also being asked to record their Voter ID training-related hours worked, for purposes of charging those costs against that appropriation's remaining \$82,000 balance. Staff has been asked to record time worked on the next rounds of voting equipment testing, the costs of which are reimbursable from each equipment vendor. Several payroll funding changes were effected in the payroll system to account for new hires, employee assignment changes, and for staffing transfers between programs.
- Budget-to-actual operating results for the third fiscal quarter ending March 31 were summarized and communicated to management. A copy of the third quarter financial statement is in the supplemental Board meeting folder for the Board's information.
- Federal grant programs in aggregate are under budget for this fiscal year-to-date. The HAVA 261 accessibility program is slightly over budget because of more temporary accessibility auditors being recruited for the primary and general elections, along with more I.T. contractor time worked than anticipated. The G.A.B. is still on track to fully expend the 2010 federal HAVA 261 grant allotment of \$201,091 well before the September 30 federal fiscal year-end. States are required

to expend each allotment year's funds within five years of receipt, or return unspent program monies to the federal government. Only one federal grant allotment year remains of \$199,998 from the 2011 federal year, and no further allotments are expected for this federal accessibility program. The federal HAVA 101 and 251 remaining cash balances were \$2.6 million and \$5.06 million, respectively, as of March 31. All Federal Cash Management reports for the Section 261 accessibility program expenditures and revenues were reviewed and reconciled each month. The Federal Voting Assistance Program (FVAP) grant is well under budget at this time, mainly because of fewer I.T. contractors working on this federal grant. All state GPR and PR program appropriations are currently under budget at this time. The state lobbying program supplies and services line item was projected to be \$34,300 over budget by fiscal year-end, but remaining fiscal year costs are now being charged to GPR instead of the lobbying program. Revenues for the lobbying program are increasing because of recent biennial fees received, but these funds are not yet available for spending in the current fiscal year. In addition, our agency will still be required to lapse \$40,200 cash from one of these state appropriations before fiscal year-end. Financial staff also updated the FY-15 operating budgets within the QuickBooks accounting software for unallotted fund adjustments and purchase order changes during the third quarter.

- Staff updated the schedule of expenditures by functional division for the fiscal year-to-date ending March 31, and then assisted with summarizing historical budgets, revenues, and expenditures of our main appropriations (GPR, lobbying program and federal aid (HAVA)) for Senator Marklein. Staff also created a working paper file of financial duties and the adverse implications of deleting financial positions because of the shared services pilot program, to inform the budget office, board and joint finance.
- Staff claimed reimbursements of \$6,283 for both February and March Federal Voting Assistance Program (FVAP) grant expenditures, then prepared journal entries to record revenues receivable, and coordinated the accounting for incoming wire transfers with Department of Administration Treasury staff. Ms. Heather Hay has replaced Bob Lavelle at the U.S. Department of Defense for future fiscal & program reporting requirements. Financial staff timely filed the quarterly SF 425 Report with the U.S. Department of Defense, due March 31 for this federal aid grant, reporting \$1,128,970 (59 percent) of the \$1,919,864 grant expended since its inception in March 2012, leaving an allotment balance of \$790,894. The annual report of inventions created as a result of the FVAP program was timely filed as 'not applicable' by the due date.
- General ledger accounts for both federal and state payroll and travel balance sheet liabilities were analyzed each month, to facilitate the reconciliation of these 50 ledger account balances. Journal entries to correct any balance sheet account coding errors were prepared and booked. Quarter-end journal entries were also prepared and booked, to reclassify purchasing card expenditure object codes and to properly allocate federal monthly interest earnings and mixed usage server costs to their appropriate federal or state programs. Monthly DOA General Service Billing charges were audited prior to payments being processed, while rent and utility cost allocations were

updated for recent payroll funding changes, in compliance with federal Office of Management and Budget (OMB) regulations. A refund from a DOA overbilling of desktop and laptop support charges is still outstanding, so additional follow-up is necessary.

- Staff worked with DOA-Treasury to open up the final section 261 accessibility allotment year, allowing the GAB to expend these funds and to receive the associated federal reimbursement revenues. Staff then worked with Payroll on correcting their salary and benefit transaction coding related to this new reporting category. All Federal Cash Management reports were also reconciled each month.
- Staff has also responded to several GAAP & CAFR requests and surveys from the State Controller's Office, in anticipation of the fiscal year-end financial reporting. The annual bank account listing was certified and returned to DOA-Treasury.

### 3. Procurements

As part of the April 7 election, 13 temporary services staff were hired to assist in conducting accessibility audits of polling places throughout the state. Various office supplies were also purchased since the last Board meeting, including printer ink, Gliffy software to mock up new versions of MyVote, name plates for new staff, copy paper and SSL certificates for many G.A.B. websites. Procurement staff also met with SVRS Election Specialists to discuss the Four Year Maintenance bid and began drafting the bid. In preparation of the end of Jigar Patel's current IT Services assignment, procurement staff is working with the Elections division to post the Request for Service and produce a purchase order to ensure uninterrupted work.

### 4. Contract Sunshine

Since the March Board meeting, the certification process for the January to March 2015 period is nearly complete. Thirty-six of the 38 agencies required to report qualified purchases returned the certification in a timely manner. The Contract Sunshine administrator is also working with the STAR project program staff to test the process of uploading data to Contract Sunshine from PeopleSoft. Currently, select state agencies upload files generated with Purchase Plus, which is an application that will be eliminated with the implementation of the STAR project.

### 5. Staffing

In March 2015, we hired three new SVRS Elections Specialists: Peter James, Mai Choua Thao and Robert Mate. As a result of these hires, it is the first time in a very long time that all Elections Specialist positions are filled.

Currently, we have an Office Operations Associate vacancy and plan to begin recruitment efforts soon.

6. Communications Report

Since the March 4 and 5, 2015, Board meeting, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

**Online:** As the agency's webmaster, the PIO managed regular updates to the website, re-launched and updated the [BringIt.WI.gov](#) voter ID microsite following the U.S. Supreme Court decision upholding Wisconsin's voter ID law.

**Media:** The U.S. Supreme Court decision upholding Wisconsin's voter ID law, the Spring Election, and other issues generated significant numbers of media inquiries. Between February 14, 2015 and April 20, the PIO logged 163 media and general public phone calls and 240 media email contacts.

**Public Records:** The G.A.B. received two new public records requests between and February 14 and April 20, 2015.

**Other:** In addition to handling media inquiries related to voter ID and the Spring Election, the PIO spent significant time in March and April with the Management Team in preparing the agency's written report to the Joint Committee on Legislative Audit.

7. Meetings and Presentations

During the time since the March 4-5, 2015, Board meeting, Director Kennedy has been participating in a series of agency related meetings and working with agency staff on several projects. The primary focus of the staff meetings has been on audit compliance, budget and legislative activities along with preparations for the 2015 spring nonpartisan elections for judicial, county, municipal and school district offices.

Director Kennedy and Chief Administrative Officer Sharrie Hauge met with several members of the Joint Committee on Finance including both Co-Chairs to discuss Board Member concerns with the budget proposal introduced by the Governor.

On March 24, 2015, Director Kennedy was one of several invited speakers to present testimony on key elements of campaign finance reform before a joint legislative hearing of the Senate Committee on Elections and Local Government and the Assembly Committee on Campaigns and Elections. A copy of the prepared testimony can be found on the agency website: <http://www.gab.wi.gov/publications/testimony/joint-committee-hearing-campaign-finance-3-24-2015>

On April 8, 2015, Director Kennedy presented testimony and responded to questions from the Joint Legislative Audit Committee on a proposed audit by the Legislative Audit Bureau of complaints considered by the Government Accountability Board. The Committee voted to authorize the audit. An entrance conference was held with the State Auditor and LAB staff on April 17, 2015.

On April 9, 2015, Director Kennedy taped a newsmakers segment for Wisconsin Eye on the impact of the U.S. Supreme Court ruling on Voter ID. The program can be viewed at: <http://www.wiseye.org/Programming/VideoArchive/EventDetail.aspx?evhdid=9705>

On April 19, 2015, Director Kennedy presented testimony and answered questions before the Senate Committee on Elections and Local Government on 2015 Senate Bill 47 relating to responding to a request for an absentee ballot, 2015 Senate Bill 71 relating to allowing municipal clerks to register voters on election day and 2015 Senate Bill 96 relating to fees for election recounts.

On April 21, 2015 Director Kennedy presented testimony and answered questions before the Assembly Committee on Campaigns and Elections on 2015 Assembly Bill 58 relating to responding to a request for an absentee ballot, 2015 Assembly Bill 79 relating to allowing municipal clerks to register voters on election day, 2015 Assembly Bill 124 relating to fees for election recounts and 2015 Assembly Bill 164 relating to various election law changes. The last bill is a collection of recommendations from the Wisconsin County Clerks Association.

On April 22, 2015 Director Kennedy participated in the bi-monthly meeting organized by the Governor's office for agency chief counsels.

On April 23, 2015 Director Kennedy presented testimony and answered questions before the Senate Committee on Elections and Local Government on 2015 Senate Bill 121 relating to various election law changes. This is the companion bill on a collection of recommendations from the Wisconsin County Clerks Association.

On April 27, 2015 Ethics and Accountability Division Administrator Jon Becker and Director Kennedy along with Division staff met with representatives of the Association of Wisconsin Lobbyists (AWL) to discuss the AWL legislative agenda.

### **Looking Ahead**

The next Board meeting is scheduled for Thursday, June 18. The meeting will be held in the agency offices, beginning at 9:00 a.m.

### **Action Items**

None.