

Meeting of the Board
Thursday, June 9, 2016
1:00 P.M.

Friday, June 10, 2016
9:00 A.M.

Agenda
Open Session

Room 412 East, State Capitol
Madison, Wisconsin

Thursday, June 9, 2016

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

lobbying administration	
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M. Closed Session

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|--------------------------------|---|
| 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. |

Friday, June 10, 2016

Note the Board May Review Materials Before Proceeding on Ballot Access Issues

9:00 A.M.

- A. Call to Order**
- B. Director’s Report of Appropriate Meeting Notice**
- C. Ballot Access Challenges and Issues
(Additional Materials to be Distributed Up to Meeting Time)**
 - 1. Staff Presentation on Challenge or Ballot Access Issue**
 - 2. Challenger Presentation**
 - 3. Candidate Response**
 - 4. Board Action**
- D. Certification of Candidates for the Partisan Primary Election**
- E. Closed Session**

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

employee over which it exercises responsibility.

This is the last scheduled meeting of the Government Accountability Board.

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

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



JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

Room 412 East, State Capitol
Madison, Wisconsin
April 26, 2016
9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
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F. Approved Permitting Voting Equipment Override Function	5
F. Approved Fee Schedule for Absentee Ballot Data Subscription Service	5
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G. Approved Procedures for Handling Local Campaign Finance Complaints	6
H. Approved Ethics Guideline Updates	8
I. Approved Changes to Campaign Finance Settlement Offer Schedule	8
K. Authorize Drafting of Administrative Rule Scope Statements	9
L. Approved Contract for Information Technology Services	10
P. Approved Funding Request for Voter ID Public Information Campaign	10

Present: Judge Victor Manian (by telephone), Judge Harold Froehlich, Judge Gerald Nichol, Judge Timothy Vocke, Judge John Franke and Judge Edward Leineweber (in person)

Elections Commissioners: Ann S. Jacobs, Steve King, Don Millis and Mark Thomsen.

Ethics Commissioners: David Halbrooks, Peg Lautenschlager, Katie McCallum and Pat Strachota.

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge, Adam Harvell, Kyle Kundert, Richard Rydecki, Mai Choua Thao and Reid Magney

Board of Canvass

Judge Nichol, Designee of the Board Chair, signed the Official Canvass of the Spring Election and Presidential Preference Primary, held April 5, 2016.

A. Call to Order

Judge Manian asked Judge Froehlich to chair the meeting, which was called to order at 9:03 a.m.

Director and General Counsel Kevin J. Kennedy recognized and presented a plaque to Ethics & Accountability Division Administrator Jonathan Becker, who is retiring from state service on May 31, 2016.

B. Director's Report of Appropriate Meeting Notice

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

C. Minutes of Previous Meetings

MOTION: Approve minutes of the March 1, 2016 meeting of the Government Accountability Board as presented. Moved by Judge Nichol, seconded by Judge Vocke. Motion carried unanimously.

D. Personal Appearances

Representative Chris Taylor of Madison appeared on her own behalf and thanked Mr. Becker for his service in providing ethics advice to the Legislature. She urged the Board to consider requesting an appropriation from the Joint Committee on Finance for a photo ID education campaign so voters know what they need to bring to the polls.

Judge Franke and Judge Vocke asked Representative Taylor about a specific amount that she would suggest requesting, as well as details about when the committee will meet. She estimated the need for \$500,000 and said the Committee would be meeting this spring to approve the transition plan from the G.A.B. to the two commissions.

Andrea Kaminski of Madison appeared on behalf of the League of Women Voters of Wisconsin to discuss preliminary findings from more than 100 volunteer election observers who visited polling places on April 5. She said the preliminary findings support the need for a vigorous voter photo ID education campaign and poll worker training efforts.

Judge Franke and Commissioner Lautenschlager asked Ms. Kaminski about the need for public education and about the league's study and findings.

Nino Amato of Madison of the Coalition of Wisconsin Aging Groups, **John Shaw of Madison** with the Board for People with Developmental Disabilities and **Shunette Campbell Hunter of**

Madison with Disability Rights Wisconsin appeared together to urge the G.A.B. to ensure continued funding for polling place accessibility audits at each election. Mr. Amato also urged the Board to move forward with a voter ID education campaign and to leverage what funding it can get from the Legislature by working with groups to target the approach and message.

Commissioner Halbrooks asked Mr. Shaw a series of questions about accessibility of early voting locations and nursing homes. Elections Division Administrator Michael Haas provided background information about voter ID and permanent absentee voters.

Director Kennedy informed the Board of written testimony provided by **Neil Ford**, a member of the G.A.B.'s Accessibility Advisory Committee, who was unable to attend the meeting in person. Mr. Ford said the committee has helped provide a very useful and valuable function by providing assistance to voters who need help.

City of Milwaukee Election Commissioner Bob Spindell appeared on his own behalf to describe his experiences observing numerous polling places and drop-off locations on Election Day in February and April. Drop-off locations are sites established by the Milwaukee City Election Commission to receive ballots, poll lists, and other election related materials from chief inspectors following the close of the polls on Election Day. He said there were some problems with voting equipment but that no chief inspectors told him there were problems with voter photo ID. He said there were short lines at most polling places except Marquette University and the University of Wisconsin-Milwaukee, where there were long lines to register. He said the City of Milwaukee Elections Commission would work with the universities to improve registration lines in future elections.

Judge Franke, Judge Vocke, Commissioner Lautenschlager, Commissioner Jacobs and Commissioner Halbrooks questioned Mr. Spindell at length about his observations. Commissioner King thanked Mr. Spindell for his service.

Waushara County Clerk Melanie R. Stake of Wautoma appeared to request the Board postpone a decision about implementation of 2015 Wisconsin Act 261 (agenda item F) regarding the posting of Election Night results on county websites until it can be fully vetted with counties. She said that while some counties have election systems that automatically transmit all local results to the counties on Election Night, other counties do not, which would require them to manually collect additional results by telephone and fax and hand-enter that information in order to publish it online, as required by the new law.

Judge Vocke, Judge Franke and Commissioner Lautenschlager asked Clerk Stake about her request. She said clerks would like a month's postponement so they can understand the implications of the law.

Dane County Clerk Scott McDonell of Madison appeared to discuss agenda item F (implementation of 2015 Wisconsin Act 261), specifically staff's recommendations regarding the handling of over-votes. He also discussed implementation of legislative changes before a bill has been signed by the Governor and shared his thoughts on the launch of WisVote.

City Clerk Dianne Hermann-Brown of Sun Prairie appeared to discuss a variety of issues including her support for voter ID education funding, concerns about Act 261 implementation, feedback on WisVote and the issue of whether elected officials can work at the polls.

Commissioner Halbrooks and Judge Franke asked Clerk Hermann-Brown about voter registration lines and WisVote adoption. Commissioner Halbrooks also asked if Clerk Hermann-Brown could provide more information about the use of high school students at the polling place.

Village Clerk Barbara Goeckner of Germantown appeared to discuss her experiences with poll worker recruitment, training and retention.

Molly McGrath of Madison appeared on behalf of VoteRiders to encourage the Board to request funding for a voter ID education campaign. She related several anecdotes about people who had difficulty voting on April 5.

Judge Froehlich called a recess at 11 a.m. The Board reconvened at 11:08 a.m.

At Judge Froehlich’s request, the members of the Elections Commission and the Ethics Commission introduced themselves.

E. Campaign Finance Opinion and Administrative Rule Review

Ethics and Accountability Division Administrator Jonathan Becker made an oral presentation based on a written report starting on page 12 of the April 26, 2016 meeting materials. He reported that 2015 Wisconsin Act 117, the campaign finance law overhaul, contains a non-statutory provision requiring the Board to review all campaign finance-related administrative rules and advisory opinions and determine if any are inconsistent with the new law. At the March 1, 2016 meeting, the Board acted on administrative rules. Staff has now reviewed all advisory opinions and is bringing recommendations to the Board, with a motion on page 38 of the meeting materials.

Board Members, Commissioners and staff discussed the staff’s recommendations. Discussion topics included the purpose of advisory opinions and the classifications used by staff in their review of opinions: consistent, partially consistent and inconsistent. Staff agreed to draft explanatory language for the website section containing advisory opinions for approval at the next Board meeting.

The Board took no formal action.

F. 2015 Wisconsin Act 261 Implementation Issues

Elections Division Administrator Haas introduced Elections Specialist Richard Rydecki and WisVote Specialist Mai Choua Thao, who helped prepare written reports starting on page 39 of the April 26, 2016 meeting materials.

1. Voting Equipment Override Functions

Mr. Rydecki described changes made by Act 261 permitting an election inspector to use the override function on voting equipment when processing an over-voted absentee ballot rather than remaking it. This provision conflicts with specific conditions the Board has attached to its certification of tabulators used in the state, due to concerns that voters may not properly understand their options if the tabulator tells them a ballot has been over-voted. Staff recommends the Board direct staff to remove the condition prohibiting use of the override function to process over-voted and crossover ballots from all existing approvals of voting equipment, and to exclude the same condition from voting equipment approvals in the future.

Commissioners Halbrooks, Millis and Jacobs discussed the override functionality of voting equipment with Mr. Rydecki, who said staff's advice to clerks is to have a poll worker assigned to monitor the equipment to assist voters if there is an over-vote or some other problem.

MOTION: Direct staff to remove the condition prohibiting use of the override function to process over-voted and crossover ballots from all existing approvals of voting equipment, and to exclude the same condition from voting equipment approvals in the future. Moved by Judge Franke, seconded by Judge Vocke. Motion carried unanimously.

2. Absentee Ballot Data Subscription Fee Schedule

Mr. Haas discussed the memo starting on page 47 of the April 26, 2016 meeting materials regarding Act 261's requirement that the Board create a subscription service for data about absentee ballots. The absentee ballot data comes from municipal clerks who enter information into the WisVote system; however, some municipal clerks rely on county clerks to provide this service in WisVote. The requirement that data be entered within 48 hours is causing some county clerks to end their provider/relied relationships.

Ms. Thao discussed the proposed subscription fee schedule, which is based on the current schedule for WisVote data requests: a base \$25 subscription fee and \$5 for every 1,000 records.

MOTION: Authorize staff to develop a semiweekly absentee data subscription service through BADGER Voters and establish an annual subscription fee of \$25 and a pricing structure to be set at \$5 per every one thousand records generated, until the promulgation of an administrative rule establishing the pricing structure can be completed. Moved by Judge Vocke, seconded by Judge Nichol.

Discussion. Commissioners Millis and Thomsen discussed the proposed fee structure with staff.

Judge Froehlich called for a vote. The motion carried unanimously.

3. Election Night Results Posting Requirement

Mr. Haas discussed the requirement in Act 261 for county clerks to post all unofficial results on their websites on Election Night. Because there is a question about whether the requirement is

for all local results, county clerks have asked the Board to delay action until staff can gather more feedback. He said a delay would not affect any election.

Board Members and staff discussed the language of the statute and whether it requires clerks to collect information that they do not currently collect. Judge Vocke asked for feedback from clerks in attendance.

Barbara Goeckner said Germantown transmits all its Election Night results to the county clerk's office by modem. Diane Hermann-Brown said Sun Prairie also sends all results to the county.

MOTION: Table discussion of Election Night posting requirements in Act 261 until the Board's June 10 meeting. Moved by Judge Vocke, seconded by Judge Franke. Motion carried unanimously.

4. Online Voter Registration Electronic Signature

Mr. Haas discussed Act 261's authorization of electronic voter registration by the 2017 Spring Primary. Staff has met with Wisconsin Department of Transportation representatives regarding establishing real-time access to DOT data to verify driver license and state ID card information. One issue that has come up is whether the act requires transferring the voter's electronic signature from DOT to WisVote. G.A.B. staff has discussed this issue with legislative staff and they do not believe it is something the Legislature intended to require. Staff recommends that the electronic signature does not have to be transferred to WisVote servers, but that staff will have access to the electronic signature at DOT in the event it is needed for an investigation.

Discussion.

MOTION: Conclude that Act 261 does not require the transfer of electronic signature as part of the online voter registration process, provided that the G.A.B. or Elections Commission can obtain the electronic signature from DOT/DMV if necessary for investigative purposes. Moved by Judge Manian, seconded by Judge Leineweber. Motion carried.

Mr. Haas also briefed the Board about other changes in Act 261 not requiring Board action, including the elimination of Special Registration Deputies when online registration becomes available, Wisconsin's membership in the Electronic Registration Information Center (ERIC), and removal of the prohibition on testing chief election inspectors.

Judge Nichol asked about the status of electronic poll books. Mr. Haas said staff had hoped to present a cost-benefit analysis at the March meeting, but it was not possible because of WisVote implementation and the Spring Election. He said electronic poll books is something that would not be good to implement at a large fall election.

Judge Froehlich called a recess for lunch at 12:50 p.m. The Board reconvened at 1:30 p.m.

G. Treatment of Campaign Finance Issues and Violations by Local Committees

Mr. Becker made an oral presentation based on a written report starting on page 51 of the April 26, 2016 meeting materials regarding changes in state law by 2015 Wisconsin Act 117 which concern local campaign finance issues. At past meetings the Board has addressed issues raised by Act 117, but more have recently come up. The first is whether local referendum committees that do not register with the G.A.B. or the Ethics Commission must still pay a \$100 filing fee if they have \$2,500 in activity. He said staff does not believe that was the intent of the legislation, and recommends seeking a legislative change to clarify the law.

Judge Franke and Commissioner Strachota asked about consulting with legislative staff involved in drafting the bill. Mr. Becker said staff would do that and bring the question back to the Board at a later meeting.

Mr. Becker said the other issue is whether the Board should continue its past practice of referring all local complaints and notifications from local filing officers to the county District Attorneys. He said the new law states that complaints may be filed with the Ethics Commission. The Board has an Attorney General opinion that states the Board has joint and co-equal authority with District Attorneys to investigate and prosecute alleged violations of the laws administered by the Board, and staff believes the legislation did not materially affect that opinion. Most local complaints deal with candidates who fail to put a disclaimer statement on yard signs and campaign materials, and staff would be inundated with local complaints that county District Attorneys are better able to handle. Staff's recommendation is to send local complaints to the District Attorneys.

Board Members and staff discussed the recommended motion. Judge Franke said he would move the Board adopt the first two parts of the three-part motion.

MOTION: (1) That staff notify local clerks to first attempt to obtain compliance from local filers before sending notices to the Board; and (2) That the Board evaluate notices from local filing officers and complaints concerning local filers, and dismiss those that are not violations within our jurisdiction, do not present probable cause that a violation has occurred, or present only a minimal violation for which no settlement would be pursued under the Board's settlement offer schedule. Moved by Judge Franke, seconded by Judge Nichol.

Judge Franke said the third part of the motion, regarding continuation of the current practice of referring matters involving local candidates and committees to the District Attorney, should be left up to the Ethics Commission.

Commissioner Strachota said she would like a determination of whether the Legislature intended a substantive change. Commissioner Lautenschlager said it would be better to have something to guide staff rather than operating in a void during the interim between the G.A.B. and the Ethics Commission.

Judge Vocke offered a friendly amendment to include the third part of the staff's recommended motion: (3) That after evaluation, the Board continue its current practice of referring matters involving local candidates and committees to the District Attorney, apart from matters arising from the filing of registration materials and campaign finance reports with the Board.

Judge Franke and Judge Nichol accepted the friendly amendment.

Judge Froehlich called for a vote. The amended motion carried unanimously.

H. Ethics Division Guideline Update

Mr. Becker made an oral presentation based on a written memorandum starting on page 54 of the April 26, 2016 meeting materials regarding a very small change in the application of lobbying law due to Act 117. Now any incumbent legislator, not just one who is a candidate, is included among those who may not accept campaign contributions if the Legislature is in extraordinary session. As a result, several guidelines need to be revised.

MOTION: Approve revised guidelines GAB 1249 (Campaign Fundraising), GAB 1255 (What candidates should know about Wisconsin’s lobbying law) and Frequently Asked Questions: Lobbyist furnishing campaign contributions to candidates to reflect the enactment of 2015 Wisconsin Act 117. Moved by Judge Leineweber, seconded by Judge Franke. Motion carried unanimously.

I. Campaign Finance Settlement Offer Schedule

Ethics Specialist Adam Harvell made an oral presentation regarding minor updates to the settlement offer schedule for campaign finance violations resulting from Act 117. A copy of the revised schedule is included in the April 26, 2016 meeting materials starting on page 63. Staff recommends the Board adopt the new settlement offer schedule.

MOTION: Adopt the revised settlement offer schedule for campaign finance violations. Moved by Judge Nichol, seconded by Judge Vocke. Motion carried unanimously.

J. Election Administration – WisVote Report

Elections Supervisor Hein made an oral presentation based on a written memorandum starting on page 68 of the April 26, 2016 meeting materials regarding the transition from the Statewide Voter Registration System (SVRS) to WisVote. He discussed the history of SVRS, the reasons it had to be modernized and the financial and operational benefits of the new WisVote system. He also discussed the challenges of developing the new system and bringing it online under budget and on time. He said staff has received overwhelmingly positive feedback from clerks, including requests for improvements.

Judge Franke and Mr. Hein discussed SVRS and WisVote, the training required for clerks to transition from one system to the other, and differences in processes clerks use in the systems. Mr. Hein said staff is making changes to the addressing system to make it easier for clerks to process voter registrations.

K. Administrative Rules

Staff Counsel Nathan Judnic made an oral presentation based on a written memorandum starting on page 85 of the April 26, 2016 meeting materials regarding the transition of administrative rules from the G.A.B. to the new Elections Commission and Ethics Commission.

1. Authorize Drafting Scope Statements for Division of G.A.B. Rules Between Elections and Ethics Commissions

Mr. Judnic briefed the Board Members on the recommended motions to allow drafting of a scope statement and to delegate authority to approve the scope statement to the G.A.B. Chair and the Director and General Counsel.

MOTION: Authorize G.A.B. staff to draft scope statements to amend Chapters GAB 6 and GAB 21 of the administrative code to ensure each commission's rules after the transition occurs are consistent with the subject matter they are tasked with enforcing.

MOTION: Delegate the Board's authority to approve the scope statements to amend Chapters GAB 6 and GAB 21 to the G.A.B. Chair and G.A.B. Director and General Counsel to expedite submission to the Governor's Office for approval.

Both motions moved by Judge Vocke and seconded by Judge Franke. Motions carried unanimously.

2. Authorize Drafting Scope Statement for Rule on Absentee Ballot Tracking Subscription Service

Mr. Judnic briefed the Board Members on the recommended motions to allow drafting of a scope statement and to delegate authority to approve the scope statement to the G.A.B. Chair and the Director and General Counsel.

MOTION: Authorize G.A.B. staff to draft scope statements for emergency and permanent administrative rules to establish the subscription service for obtaining absentee ballot data and associated fee structure as required by 2015 Wisconsin Act 261.

MOTION: Delegate the Board's authority to approve the scope statements for emergency and permanent administrative rules to establish a subscription service for obtaining absentee ballot data and associated fee structure as required by 2015 Wisconsin Act 261 to the G.A.B. Chair and G.A.B. Director and General Counsel to expedite submission to the Governor's Office for approval.

Both motions moved by Judge Franke and seconded by Judge Leineweber. Motions carried unanimously.

L. Request for Approval of IT Related Contracts

Mr. Hein made an oral presentation based on a written memorandum starting on page 90 of the April 26, 2016 meeting materials regarding IT service contracts requiring Board approval. The IT contractors covered by these contracts will be involved in developing online voter registration and the absentee ballot data subscription service, among other IT projects. The cost of the contracts will be approximately \$200,000 less than this year.

MOTION: Authorize the continuation of IT contracts in FY 17 for the G.A.B.'s five IT contract positions. Moved by Judge Nichol, seconded by Judge Leineweber. Motion carried unanimously.

M. Agency Transition Report

Director Kennedy made an oral presentation based on a written memorandum starting on page 92 of the April 26, 2016 meeting materials regarding transition planning for the new Elections and Ethics commissions.

N. Legislative Status Report

Mr. Haas made a brief oral presentation based on a written memorandum starting on page 90 of the April 26, 2016 meeting materials consisting of a list of all the legislation passed during the 2015-2016 session regarding campaign finance, elections, ethics and lobbying.

O. Per Diem Authorization

MOTION: Authorize one half day's per diem for meeting preparation in addition to one day for meeting attendance. Moved by Judge Vocke, seconded by Judge Nichol. Motion carried unanimously.

P. Director's Report

Elections Division Report – election administration

Written report from Division Administrator Haas and Division staff was included beginning on Page 100 of the April 26, 2016 Board Meeting Materials.

Director Kennedy advised Board Members that if they wished to address the issue of requesting funds for the photo ID public education campaign, it could be done under this agenda item.

Public Information Officer Reid Magney reviewed the history of the Bring It to the Ballot campaign in 2011 and 2012, as well as different cost scenarios for restarting the campaign in 2016.

Judge Nichol said the Board should make a request in order to empower the Elections Commission to have the funds it needs for a campaign. Judge Froehlich said that if the Joint Committee on Finance has only \$267,000 in its discretionary account, the Board is spinning its wheels in making a request.

MOTION: Direct staff to make a sum-sufficient request to underwrite the cost of a campaign to be approved by the Elections Commission to educate the public about the voter ID law. Moved by Judge Nichol, seconded by Judge Leineweber.

Commissioner Strachota said that specifying a sum-sufficient amount is not the best way to word the motion.

Judge Nichol amended his motion to replace sum-sufficient with \$250,000. Judge Leineweber seconded the amended motion.

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	No
Franke:	Aye	Vocke:	No

Motion carried, 4-2.

Commissioner Halbrooks asked whether it would be possible to have Sun Prairie City Clerk Diane Hermann-Brown and her high school poll workers make a presentation at the next Board meeting. Staff will reach out to the clerk about scheduling a presentation.

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 105 of the April 2016 Board Meeting Materials.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy, Sharrie Hauge and Reid Magney was included beginning on Page 115 of the April 2016 Board Meeting Materials.

Q. 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 Manian.

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

Motion carried unanimously. The Board adjourned at 3:10 p.m. and convened in closed session at 3:24 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Requests for Advice: Two matters considered.
- B. Complaints and Investigative Matters: Eight matters considered – four referred to District Attorneys, three terminated and one tabled.
- C. Matters beyond the Board’s Jurisdiction: Nine matters considered and dismissed.
- D. Litigation: Five pending matters considered.

F. Adjourn

The Board adjourned in closed session at 5:25 p.m.

####

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, April 26, 2016, at the State Capitol in Madison, Wisconsin beginning at 9:00 a.m.

April 26, 2016 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

May 18, 2016

April 26, 2016 Government Accountability Board meeting minutes certified by:

Judge Gerald C. Nichol, Board Secretary

June 9, 2016

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9-10, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Ethics & Accountability Division Staff

SUBJECT: Review of Board Opinions (Secondary)

Introduction

The Board, at its April 26 meeting, asked staff to review several of the Advisory Opinions that were presented to the Board as “partially consistent”. Specifically, the Board asked that those partially consistent opinions be reviewed with an explanation clarifying the consistent and inconsistent provisions within the opinion. Additionally, the Board requested that staff create a disclaimer, emphasizing that the partially consistent opinions legal effect only relates to those portions of the opinion that are consistent and factually similar. The below is a proposed disclaimer and review of those partially consistent opinions. Board staff continues to work on developing a searchable index that will be posted on the Ethics Commissions website.

Disclaimer

WIS. STAT. §19.46 (2) (a) 1. provides that any person may request a formal or informal opinion from the Government Accountability Board concerning the propriety of any matter under statutes administered by the Board to which the person is or may become a party. WIS. STAT. §19.46 (2) (a) 3. further provides that no person acting in good faith upon a formal or informal advisory opinion issued by the Board is subject to criminal or civil prosecution for so acting, if the material facts are as stated in the opinion request. The statutes require the Board to publish its formal opinions after deleting identifying information.

The Board’s published opinions may be used as guidance for future conduct. Board opinions have precedential value. Persons relying on these opinions should be aware that opinions are fact-dependent. Persons are encouraged to seek the Board’s advice in specific situations.

The Act amending the campaign finance law, *2015 Wisconsin Act 117, Section 74 (1)* (“Act”) required the Board to review all of its advisory opinions currently in effect and determine which, if any, opinions are inconsistent with the new campaign finance law. Opinions that the Board found to be inconsistent with the Act are invalid. The Board conducted its review at its meeting of April 26, 2016. The opinions marked as “consistent” are still valid, although statutory citations will have changed. The opinions marked “inconsistent” have been superseded by changes in the law. Opinions marked “partially consistent” contain some useful analysis that has not been affected by law changes, but some portions of the opinion have been superseded.

Partially Consistent Opinions

2008 GAB 08

Summary: The Government Accountability Board advises: 1) A limited liability company may not give office space to a candidate's legislative campaign committee, even if the candidate is a principal, or the sole, owner of the company. 2) A candidate's legislative campaign committee may rent office space from a company owned by the candidate at a fair market value.

Explanation: The opinion remains consistent with current law except in one minor respect. LLC's that are taxed (disregarded entities) as sole proprietorships or partnerships are no longer subject to the limitations on corporate contributions.

El. Bd. Op. 00-2

Summary: The Government Accountability Board advises: Non-registrants, including corporations, may communicate to the general public their views about issues and/or about a clearly identified candidate, without subjecting themselves to a registration requirement, if the communication does not expressly advocate the election or defeat of a clearly identified candidate; expenditures which are "coordinated" with a candidate or candidate's agent will be treated as a contribution to that candidate; intra-association communications that are restricted to "a candidate endorsement, a position on a referendum or an explanation of the association's views and interests" distributed to the association's members, shareholders and subscribers to the exclusion of all others, are exempt from Ch. 11, Stats., regulation; and a non-partisan, candidate-non-specific voter registration or voter participation drive is not subject to the registration and reporting requirements of ch.11, Stats.

Explanation: Under the new campaign finance law, restrictions on coordination apply only to the coordination of express advocacy. WIS. STAT. §11.1203 (coordination) and case law. *State of WI ex rel. Two Unnamed Petitioners v. Peterson, 2015 WI 85 (Wis., 2015).*

El. Bd. Op. 74-10

Summary: The Government Accountability Board advises: The name and address of each contributor making a single contribution of \$10 or less need not be recorded by a campaign treasurer, but the treasurer is under a statutory duty to exercise a "good faith" effort to seek to obtain such information if he knows or has reasonable cause to believe that a contributor's aggregate contribution has or will exceed \$10.

Explanation: Under new law, there is no longer a monetary threshold for supplying contributor information if known. §11.1108 (anonymous contributions) §11.0103 (good faith standard). The treasurer needs to make a good faith effort obtain name and address information for contributions at or below the \$10 level.

El. Bd. Op. 74-2

Summary: The Government Accountability Board advises: A committee may make the maximum contribution to a candidate for an election before the primary, provided that no further contributions are made after the primary.

Explanation: The opinion is still valid except in one minor respect. WIS. STAT. §11.1103 changes the applicable campaign period to end on the day before the individual takes office.

El. Bd. Op. 75-5

Summary: The Government Accountability Board advises: Contributions of \$100 or less received in the form of a check drawn on a joint checking account may be assumed to be from the signer of the check absent evidence to the contrary. Contributions over \$100 received in the form of a check drawn on a joint checking account may not be assumed to be from the signer of the check absent evidence to the contrary; instead, the treasurer must affirmatively inquire as to whom the contribution is from. Contributions received in the form of a check drawn on a partnership checking account may not be assumed to be from the signer of the check. The treasurer has a duty to ascertain the identity of the contributor in such instance. Reproduction of personal correspondence by means of a magnetic card typewriter constitutes reproduction by machine. An organization may, pursuant to §11.29 (1), Stats., send nomination papers to its members without reporting such activity.

Explanation: WIS. STAT. §11.1113 now specifies the method for attribution of partnership contributions.

El. Bd. Op. 76-1

Summary: The Government Accountability Board advises: Use of a hall or room without charge need not be reported as an in-kind contribution if the hall or room is also provided without charge to non-political organizations.

Explanation: Although the Board declined to address the question of spending limits, spending limits are no longer part of current law.

[El. Bd. Op. 76-12](#)

Summary: The Government Accountability Board advises: Questions of whether officeholder's purchase and distribution of printed materials to constituents are subject to reporting and identification requirements and violative of election bribery statute depends on whether intentions of distributor as to political office, content of materials, time and manner of distribution, pattern and frequency of distribution, and value of materials indicate purchase and distribution are for "political purposes." §§11.01 (16), 11.06, 11.30 (2), 12.11, Stats.

Explanation: The portions of the opinion dealing with use of Government Materials (§11.1205) and election bribery (§12.11), are still valid. However, political purpose is no longer the legal standard for registration and reporting.

This opinion is inconsistent based on the persistent reference to “political purpose” which is no longer the standard in Wisconsin law.

[El. Bd. Op. 77-3](#)

Summary: The Government Accountability Board advises: A national political party committee's payment of compensation to another specifically in exchange for full-time political services performed on behalf of a Wisconsin committee is a contribution, which subjects the national committee to registration and applicable reporting requirements. Such committee's payment of compensation to an employee or employees performing occasional services for a Wisconsin committee, when such services are merely incidental to the work of the employee or employees on behalf of the national committee, is not a contribution. §11.01 (S), Stats.

Explanation: National party committees are no longer required to register under Wisconsin law. The Wisconsin committee would still be required to report the receipt of a contribution of any services provided by the national party committee.

[El. Bd. Op. 78-2](#)

Summary: The Government Accountability Board advises: The personal campaign committee of a candidate seeking more than one office may ensure compliance with contribution limits by either (a) separate bookkeeping and reporting or (b) adherence to the lowest applicable contribution limit. Such committee may not claim the \$250 reporting exemption if its total activity, attributable to all offices sought, is over \$250. GAB 1.02, Wis. Adm. Code, Sec. 11.05 (2r), Stats.

Explanation: Candidates may still use one account but are no longer required to when running for more than one office. WIS. STAT. §11.1114. Bookkeeping and reporting is substantially similar.

El. Bd. Op. 78-6

Summary: The Government Accountability Board advises: The ban on use of filed reports and statements for solicitation of contributions does not prohibit a candidate from using information gained from reports or statements to inform persons of his or her candidacy and inviting questions on political issues.

Explanation: WIS. STAT. §11.1304 (12) now restricts the use of information from filed reports only for commercial purposes.

El. Bd. Op. 88-3

Summary: The Government Accountability Board advises: Independent insurance agents can establish a commission withholding system that will enable participating insurance companies to forward agents' contributions to an agents' PAC, without attributing any of those contributions, or the expenses of maintaining the system to the participating insurance companies. Separate bookkeeping of each individual agent's contributions and pro-rata expenses must be maintained and reported.

Explanation: The portion relating to the itemization of contributions now requires source information for all known sources.

El. Bd. Op. 91-1

Summary: The Government Accountability Board advises: A corporation which acts solely in the nature of a conduit in collecting and transferring the contributions of its employee-agents to the political action committee of the employee agents' statewide trade association does not make a contribution to that trade association PAC, if none of the expenses of administration or solicitation of those contributions are borne by the corporation and if a list of the contributors and the amounts of their contributions is maintained at each stage of the transfer.

Explanation: WIS. STAT. § 11.1112 provides that corporations may not use treasury funds to make a contribution to a registrant, with limited exceptions; contributions over \$10 must be itemized. Payroll deduction plans are acceptable. This scenario uses deposits into third party escrow account. If however, the check came from the corporation or association, it would be impermissible.

This opinion is inconsistent based on the prohibition on corporate contributions in Wisconsin law.

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas, Elections Division Administrator
Richard Rydecki, Elections Specialist

SUBJECT: Implementation of 2015 Wisconsin Act 261

This memorandum provides an update regarding the implementation of 2015 Wisconsin Act 261. At its meeting of April 26, 2016, the Board requested that staff solicit feedback from local election officials regarding the issue of posting all unofficial returns on Election Night, and the outcome of that effort is outlined below, including a revised recommendation for the Board's consideration.

A. Immediate Changes

Board staff has incorporated the Act's provisions into its training for local election officials, including 1) the inclusion of the Veterans Affairs card as an acceptable form of photo identification, 2) the addition of a contract or intake document as an acceptable form of proof of residence for residents of adult-care facilities wishing to register to vote from that location, 3) the use of the override function to process overvoted ballots, as well as ballots with crossover votes as directed by the Board, and 4) the substitution of election registration officials for special registration deputies to conduct registration at polling places.

Board staff has also developed an interim fee schedule for absentee ballot tracking data purchased through the G.A.B.'s subscription service, and has submitted a Statement of Scope for a proposed emergency and permanent administrative rule to the Governor related to the proposed fee schedule. A significant number of municipal and county clerks have expressed concerns regarding the difficulty of complying with the Act's deadlines for entering absentee ballot data into WisVote, especially in light of the high turnout during the Spring Election. Those new requirements have prompted many provider clerks to either terminate their WisVote services on behalf of relier municipalities, or to renegotiate the terms of their agreements with the relier municipalities. As a result, Board staff is working to help more relier clerks to complete training and obtain the capability to perform data entry related to their own absentee ballots.

Finally, as Board staff advised at the April Board meeting, Act 261 does not specify whether or not the results posted by county clerks on Election Night must include local contests. For the 2016 Spring Election, G.A.B. staff advised that that decision was left to the judgment of municipal and county clerks, but the results must include at least state judicial contests and the Presidential Preference Primary. The relevant text of the Statutes now reads:

7.51(4)(c) On election night the municipalities shall report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.

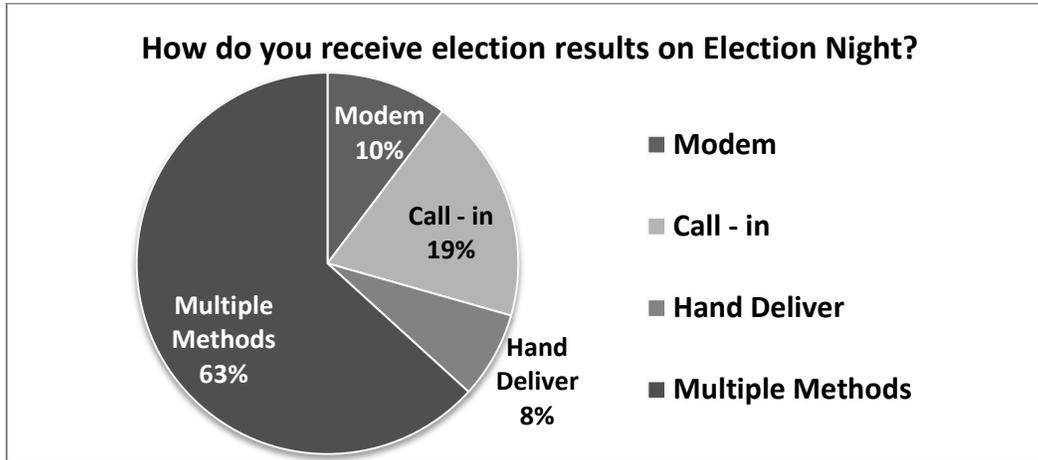
7.60(1) KEEP OFFICE OPEN. On election night the county clerk shall keep the clerk's office open to receive reports from the ward inspectors and shall post all returns. On election night the clerk shall post all returns, by ward or reporting unit, on an Internet site maintained by the county no later than 2 hours after receiving the returns.

These provisions refer to "the returns" and posting "all returns," which were phrases that existed prior to the enactment of Act 261. The time limits imposed by Act 261 have focused more attention on the results which must be posted by the two-hour deadline. Given this language, Board staff originally recommended that the Board conclude that the Legislature had not provided any exception to the returns which municipal clerks must report to county clerks, and which county clerks must post on the Internet on Election Night.

At its April meeting, the Board received comments from municipal and county clerks indicating that, depending upon the type of voting equipment being used, it may be a significant change in practice to post results of local elections such as municipal and school district contests. The Board directed staff to seek additional input from local election officials in order to develop a more informed policy as to the unofficial results which are required to be posted by county clerks on Election Night.

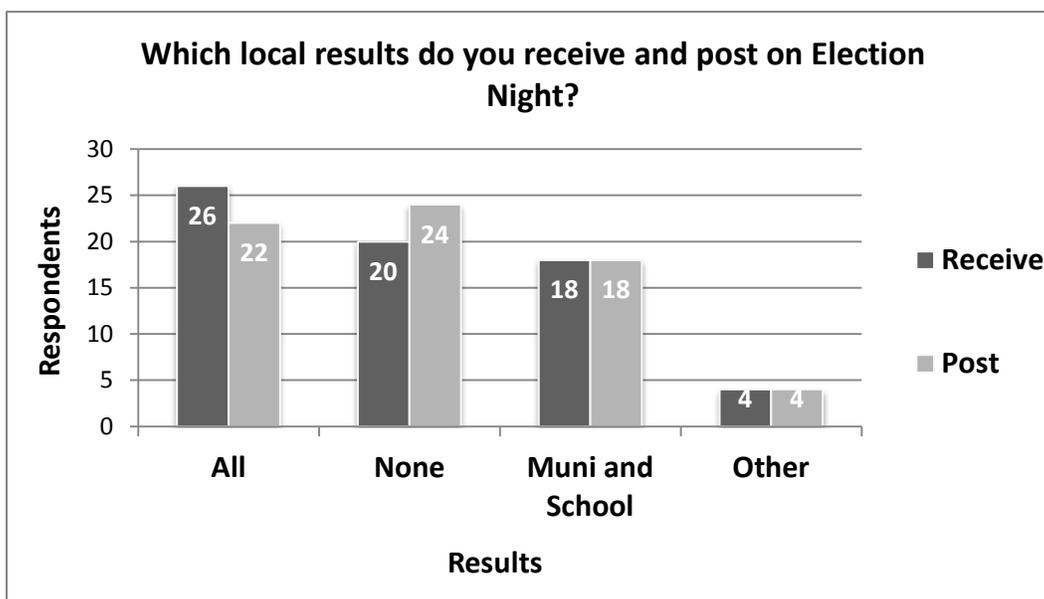
Board staff conducted a survey of county clerks regarding the requirement that they post all unofficial returns on a county website within two hours of receiving the returns on Election Night.

The G.A.B. received 68 total responses from county clerks in response to the survey (Burnett, Crawford, Jefferson and Ozaukee Counties did not respond). Wisconsin counties reported receiving results through a variety of methods from their municipalities on Election Night. Some counties have a uniform process for all municipalities, while other counties use a hybrid approach to receiving results. Thirteen counties, or 19 percent of all respondents, reported using call-in sheets as the only method results are reported to their office. The call-in process requires that results are telephoned into the county office and dictated to county staff over the phone. The next most common method for counties who use a uniform process involved results that are modemed directly into the county election management system. Seven counties reported that they only receive modemed results on Election Night.

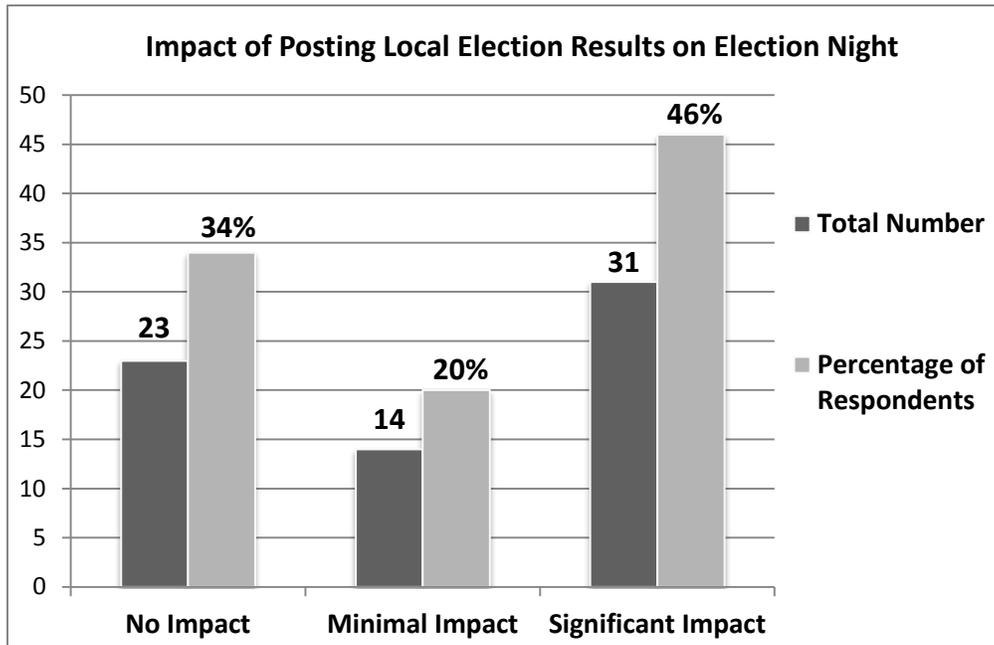


The vast majority of counties reported using multiple methods to receive election results from their municipalities. Forty-three respondents reported receiving results via multiple methods, with twenty-five counties using at least three methods. The lack of uniformity and the variety of combinations that counties use to receive and compile results on Election Night is representative of the decentralized system of election administration in Wisconsin. This variety also makes creating universal procedures challenging as technology, infrastructure and resource differences all impact the ability for county clerks to receive, compile and post comprehensive unofficial returns on Election Night.

A requirement to post all local election results by counties on Election Night would be complicated by the fact that nineteen counties reported that they do not currently receive local results on Election Night. Twenty-six counties receive all local election results, while an additional eighteen counties reported that they receive municipal and school district results, but not results for special district contests, such as sanitary and lake management districts. There are also several counties that receive all local election results but do not post them on Election Night.



When asked to describe the impact on Election Night procedures if local results were to be required to be posted, forty-five respondents stated this requirement would have some impact on them. Thirty-one counties indicated that posting these returns would significantly impact their Election Night procedures, while twenty-three counties identified no impact. The number of counties who reported no impact strongly correlates with the number of counties (22) who already post local results on Election Night.



Many of the counties who indicated that this requirement would have a significant impact on their Election Night procedures submitted narrative comments that provide additional insight on this issue. One county indicated that due to three voting equipment systems in use in their county, ten school districts that cross county lines and twenty-five county supervisory districts, it is already difficult to post timely and accurate results on Election Night. Requiring the posting of school district results and local results would be even more burdensome. Other clerks indicated that posting results for contests below the county level would not be feasible given the volume of other work required on Election Night, limited staffing in county offices and the two-hour results posting timeline. Many clerks expressed that their staff is already overburdened on Election Night and highlighted concerns about problems caused by posting inaccurate results and results, such as school districts that cross county lines, which are potentially misleading to the media and general public.

As noted above, the requirement to post “all returns” predated Act 261. Due to practical obstacles, the reporting and posting of all returns has not been administered in a consistent manner at the local level. The new deadlines for reporting and posting unofficial returns on Election Night has highlighted the issue of whether returns for all local elections must be included in the information transmitted by municipalities and posted by counties, regardless of their past practice and any additional burdens it would create. Counties do not canvass results of municipal and school district elections and in many cases, requiring counties to receive and post those results would have a significant impact on their Election Night procedures.

While the phrase “all returns” can certainly be read to include returns for all local elections, Act 261 focused on the timing involved in reporting and posting results, and did not address whether the variety of existing practices across counties must change. Municipal and county clerks and their staffs are focused on numerous duties on Election Night and as an administrative priority, accuracy is more important than speed in posting unofficial results. Adding a requirement for counties to post local election results where the technology is not in place to easily do so on Election Night would risk creating errors elsewhere in their procedures.

In the opinion of Board staff, in light of the variety of tabulation equipment and process in use, and absent a more specific legislative directive to significantly alter past practices, the Board’s administrative guidance should seek to achieve a practical and workable result for local election officials providing unofficial results on Election Night. Staff recommends that Wis. Stat. §§7.51 and 7.60 be administered to require that municipalities must report, and county clerks must post, at least the results for all federal, state and county-level contests within their jurisdictions. In addition, if the tabulating equipment generates a report including local contests which may be easily transmitted to the county, the unofficial results of those contests must also be reported and posted. This would include results for school districts or other districts which cross county boundaries. Total results for those contests would need to be accumulated from all of the counties involved, as are the results of state or federal contests which involve multiple counties.

Recommended Motion: The Board advises that Wis. Stats. §§ 7.51(4)(c) and 7.60(1) require municipal clerks to report, and county clerks to post, at least the unofficial returns for federal, state, and county-level contests within their jurisdiction on Election Night. In addition, if the tabulating equipment generates a report including local contests which may be easily transmitted to the county, the unofficial results of those contests must also be reported and posted.

B. Changes Affecting Voters and Election Officials for 2016 General Election

Board staff has revised the language on the absentee ballot certificate envelope, as well as the uniform instructions to absentee voters to indicate that, effective with the 2016 General Election, all absentee ballots must be delivered to the polling place by 8 p.m. on Election Day, removing the option for an absentee ballot to be received by the Friday after the election if it is postmarked by Election Day. Board staff is also developing guidance regarding the processing of absentee ballots with a missing or incomplete witness address, which cannot be counted, beginning with the 2016 General Election.

C. Other Changes

Board staff, in conjunction with the Division of Motor Vehicles, has made progress regarding the implementation of both online voter registration and joining the Electronic Registration Information Center (ERIC). G.A.B. and DMV staff have participated in several teleconferences to discuss the development of the online registration functionality and issues related to data quality and sharing. Business requirements for the project are being developed to ensure that the process is consistent with the statutory directive. The DMV has confirmed that it will not be possible to complete the development, testing, and launch of online registration prior to the 2016 General

Election, and a timetable has been established to implement the initiative prior to the 2017 Spring Primary, as required by Act 261.

Regarding ERIC, Board staff has executed and submitted the documents necessary to apply for membership in the consortium and also completed the necessary steps to secure the grant from the Pew Center to assist in the first mailing to individuals who appear to be eligible but unregistered voters. The terms of the grant award required that the State of Wisconsin apply for membership in ERIC by May 31, 2016.

DMV staff has completed additional research regarding its restrictions on sharing certain confidential information in its database, including the last four digits of the social security number of an individual possessing a driver's license or State ID card. The DMV has concluded that it will not be able to share that confidential social security number data. The State will still be able to participate in ERIC, but the inability to share that data will reduce the effectiveness of ERIC's matching process and the results provided to the G.A.B. and other participating states. Board staff and DMV staff support seeking a legislative change which would permit the sharing of the confidential data with ERIC in order to improve the accuracy of the matching process.

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of June 9-10, 2016

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Nathan W. Judnic, Staff Counsel

SUBJECT: Nomination Paper Challenge Procedure

June 1, 2016 was the deadline for filing nomination papers for offices to be elected in the November 8, 2016 Fall Elections. Challenges to nomination papers follow this deadline. The Board's members will rule on these challenges at the June 10, 2016 meeting. Because the final deadline for responses to any challenge may be June 9, 2016, the staff's recommendations regarding ballot access for challenged candidates will not be available until the Board meeting. This memorandum outlines the procedures and standards used by the staff and Board to evaluate and rule on challenges to nomination papers.

I. PROCEDURE

1. June 1, 2016 - Nomination papers must be filed not later than 5:00 p.m. for all nominations for the fall elections mandated by statute for November 8, 2016. Wis. Stat. § 8.15(1). G.A.B. staff follows a standardized procedure for the intake, processing and review of nomination papers, which is summarized on the attached Exhibit A. Two different staff members conduct facial reviews of each set of nomination papers to determine whether the candidate has collected a sufficient number of valid signatures.
2. June 6, 2016 – Any correcting affidavits to rehabilitate signatures struck by staff are due no later than 4:30 p.m. Rule GAB 2.05(4). Challenges to nomination papers also must be filed not later than 4:30 p.m. Rule GAB 2.07(2)(a). A copy of the challenge complaint will be delivered by the Board's staff to the candidate whose papers are being challenged. *Id.*

- a. Challenges must be made by verified complaint and must establish probable cause that the paper or signature challenged does not comply with Wisconsin Statutes or the rules of the Government Accountability Board. (See annotation below.)
 - b. The challenge should be accompanied by affidavits or other relevant documentation. Any challenge which is not established by the materials submitted as of the deadline for challenge shall be denied.
3. Three (3) Days After Challenge Filed – The challenged candidate’s response deadline is June 9, 2016 if the challenge is filed on June 6, 2016, but earlier if the challenge is filed sooner. Rule GAB 2.07(2)(b). A copy of the challenge and any written response will be provided to Board members for the June 10, 2016 meeting. *Id.* A written response should also be verified and should also be accompanied by affidavits or other documentation. *Id.* Just as the burden of establishing a challenge is upon the challenger, the burden of rebutting an established challenge is upon the candidate whose papers are challenged. Rule GAB 2.07(3).
 4. June 6 – 9, 2016 - The Board's staff will prepare a written report on the challenges and any available responses. To whatever extent necessary and possible, the Board's staff will contact circulators, affiants, and other persons with personal knowledge of the circumstances under which the signatures were obtained. Given the time frame involved, staff verification will likely be limited to close cases.
 5. June 10, 2016 - The Board will meet to consider the challenges and responses, and hear any oral presentation. Attached is a copy of the relevant provisions of Wis. Stat. ch. 8 governing nomination papers and nominations. Also attached are the Board's rules, GAB 2.05 and 2.07, governing treatment and sufficiency of nomination papers and challenges thereto.
 6. If an incumbent officeholder does not file nomination papers and a declaration of candidacy form by the filing deadline, and did not file a declaration of noncandidacy by May 20, 2016, the filing deadline for all other candidates for that office is extended by 72 hours. Wis. Stat. § 8.15 (1). The effect on the process and associated deadlines for any such offices is as follows:
 - a. June 6, 2016 - Nomination papers must be filed not later than 5:00 p.m.
 - b. June 9, 2016 - Challenges to nomination papers must be filed not later than 4:30 p.m.
 - c. June 13, 2016 – A written response to the challenge may be filed by the candidate not later than 4:30 p.m.

- d. If necessary the Board will meet again to consider any cases with delayed deadlines. If the Board has sufficient information, or challenges are not filed, certification of these offices may be decided at the June 10, 2016 meeting.

II. ADMINISTRATIVE HEARING

The June 10, 2016 meeting is the Board's hearing to decide nomination paper challenge complaints. To maintain a clear record of the proceedings, Board staff recommends that challenge complaints be handled on a case-by-case basis. In other words, rather than having the Board entertain public comments (usually limited to hearing from the challenger (5 minutes) and the challenged candidate (5 minutes) on all cases before considering staff recommendations, staff recommends that the Board Chair announce each file and the Board conduct a hearing on each file. Should a decision be appealed to circuit court, this procedure would help the Board recall the facts and create a concise record of each case and the public comments at the time of the Board's decision.

The Board's rules do not specify the procedures that must be used for conducting a hearing on challenge complaints. Based on previous hearings for even-numbered year elections, the Board staff recommends the following process for each individual hearing. 1) The Board chair calls the file number, 2) the Board staff presents details of the challenge, any response to the challenge and recommendations as to whether a challenge should be rejected or sustained, 3) Challenger allowed 5 minutes to provide additional information regarding the challenge and respond to Board staff recommendations, 4) Challenged candidate allowed 5 minutes to respond to challenge and Board staff recommendations, 5) Board staff responds to questions or issues raised by challenger, challenged candidate and/or the Board.

III. ANNOTATION

As a general rule, the policy of the former Elections Board and of the Government Accountability Board with respect to the nomination process has been to promote or facilitate candidate ballot access, not to find a justification for impeding that access, and the challenge procedure has been applied in that spirit. As much as possible, the approach has left the selection and elimination of candidates being left to the electorate.

For the Board to consider a challenge, the complaint must establish probable cause that a violation of election law has occurred. A complaint must allege facts which, if true, would constitute a failure to comply with Wisconsin's election (not campaign finance) statutes. The complaint must allege a violation of Wis. Stat. ch. 8, the statutory chapter governing nominations to the general election ballot. The statutory standard for compliance is "substantial compliance" as set forth in Wis. Stat. § 5.01(1):

5.01 Scope. (1) CONSTRUCTION OF CHS. 5 TO 12. Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to comply with some of their provisions.

The Board's administrative rule, GAB 2.05, sets forth the standards for determining whether nomination papers comply with ch. 8, Stats. And its rule, GAB 2.07, sets forth the bases and procedures for challenges to those papers. Note that GAB 2.05(4) provides that "Any information on a nomination paper is entitled to a presumption of validity." Consequently, any challenge to that information must rebut that presumption, (under § 903.01, Stats.), by clear and convincing evidence that "the nonexistence of the presumed fact is more probable than its existence."

Challenges must be based on the personal knowledge of the complainant or of a person whose affidavit or sworn statement accompanies the challenge. As an example: a complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof.

Challengers will be informed that new grounds for a challenge which are not raised in an initial complaint and which are raised after 4:30 p.m., June 6, 2016, will not be considered by the Board.

Challenge complaints are filed by delivering an original and a copy to the Government Accountability Board at its offices, pursuant to GAB 2.07, and by the Board's staff delivering a copy to the respondent whose nomination papers are being challenged.

III. CORRECTIONS TO NOMINATION PAPERS

Historically, this Board, as well as its predecessor the former State Elections Board, has recognized that some deficiencies in nomination papers may be corrected by way of an affidavit from the circulator of the nomination paper. This is true whether the deficiencies were identified by staff review of the nomination paper or were identified by a challenge complaint. Consequently, signatures which have been disallowed by the staff in its initial review of a nomination paper may have been "rehabilitated" by a correcting affidavit submitted after the deadline for filing nomination papers. Rule GAB 2.05(4).

It is important to note the complications which may arise because errors on nomination papers may be corrected during the same period that challenges to nomination papers are filed. Because deficiencies on nomination papers may be rehabilitated until the deadline for challenges, signatures struck during staff review are **not** considered officially debarred until the rehabilitation deadline of June 6, 2016, and may still be susceptible to additional challenges on other grounds. Any challenges to signatures struck during the initial staff review also must be raised not later than 5:00 p.m. on June 6, 2016, whether or not those papers or signatures have been corrected as of that time.

Court decisions have established a distinction between statutory requirements that are mandatory, such as filing deadlines for nomination papers and for challenges, and those that are directory and are evaluated on a substantial compliance basis, such as the sufficiency of information included on nomination papers.

Errors that may be corrected:

a.) Elector (Signer) errors:

- i. The elector wrote in a date other than the one on which he/she signed, wrote an incomplete date or left the box for the date blank.
- ii. The elector used an address which does not reflect his actual residence, or wrote an incomplete address.
- iii. The elector wrote in a municipality which does not reflect his actual residence.
- iv. The elector failed to include a legible printed name with the signature.

The elector or circulator may correct the first three errors listed above, but only the elector may correct the fourth error listed, except the elector may request assistance in both printing their name and completing an affidavit to correct the failure to include a legible printed name.

b.) Certificate of Circulator errors:

The circulator failed to sign or otherwise complete the certificate, or entered inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). Errors in the Certificate of Circulator must be corrected by the circulator.

Errors that may not be corrected:

- a.) Signatures may not be added to nomination papers after the filing deadline, and may not be added to a particular page after the certificate of circulator has been executed. (However, the date of certification may be corrected.)
- b.) None of the information in the heading of the nomination paper, (i.e., candidate's name, candidate's address, political party represented, date of election, office sought, name of jurisdiction or district in which candidate seeks office), may be altered, amended, or added after circulation of the nomination paper. This is the nomination information that each signatory saw and relied upon in deciding to sign the paper.
- c.) The date of signing may not be changed to a date other than the one on which the signatory actually signed; nor may any other signatory information be changed from that which was correct at the time the signatory signed.

As directed by the Board, staff has published a manual summarizing the most common challenges filed and the Board's previous resolution of those challenges. While not

binding, the previous decisions provide a guide and framework for both the Board and affected parties for analyzing the sufficiency of common challenges, and may help to reduce the filing of frivolous challenges or those which have been well settled under the law. The Manual can be located at <http://www.gab.wi.gov/publications/manuals/common-nomination-paper-challenges>

Attachments: Nomination Paper Sufficiency Procedures (internal), Wis. Stat. §§ 8.15, 8.21, 8.30, Wis. Adm. Code GAB §§ 2.05, 2.07

DETERMINATION OF SUFFICIENCY OF NOMINATION PAPERS

- Use a red pen to write the number of signatures counted on the upper, right-hand corner of each sheet. Using a red pen, circle any item on the nomination paper that is questioned (when a signature is not counted) or make a circle where an item is missing. Make a red check mark (✓) to the right of the row to indicate signatures not counted. Make a red question mark (?) to note questionable signatures that have been counted or to note omissions that do not affect the signature count on that page.
- The following is an outline of criteria for determining sufficiency of signatures on nomination papers:
 1. Top portion of paper clearly identifies the candidate, address, election date, party (or statement of principle if independent candidate), office sought, and district.
 2. Signers have provided their signature, legible printed name, street address (number and name), and the municipality listed is within the district indicated in the header.
 - a. A printed name is considered “legible” if any part of it can be discerned, even if the exact spelling is unknown.
 3. Signatures are dated within the circulation period: April 15, 2016 through June 1, 2016, and on or before the date of the certification of the circulator.
 4. Certification of the circulator is properly completed (including municipality of residence), signed and dated (month, date and year).
 5. Required number of valid signatures:

Office	Signatures Required
United States Senator	2,000 – 4,000
Representative in Congress	1,000 – 2,000
State Senator	400 – 800
Representative to the Assembly	200 – 400
District Attorney – County pop. 100,000 or less	200 - 400
District Attorney – County pop over 100,000 (Brown, Dane, FDL, Kenosha, La Crosse, Marathon, Milwaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, Winnebago)	500 – 1,000

The following are examples of the most common questionable areas and the treatment for each question:

Scenario	Answer
Residential information or dates for different electors are indicated by “ditto” marks (“”)	Count the signature <u>only</u> if the ditto marks follow a valid address or date
Only a P.O. Box is given as the signer’s address	<u>Count</u> if the entire municipality is within the district. <u>Do NOT count</u> if the municipality is only partially within the district indicated in the header
Mailing address is not identified as a municipality	Consult the Blue Book listing of Wisconsin Post Offices. <u>Count</u> the signatures only if the county associated with this Post Office is entirely within this district

Scenario	Answer
“Ditto” marks (“”) are used for date of last signer	Count the signature <u>only if</u> the previous signature provided a valid date
Date of the first or last signer is missing	Do NOT count the signature
Date of signer is missing	Count the signature <u>only if</u> a preceding and subsequent valid signature provides a valid date. Bracket the signature by drawing a line connecting the previous valid signature date to the subsequent valid signature date.
Date of the first or last signer is incomplete, e.g. 5/25/20__, or only month and year is provided (mm/dd/yy is acceptable)	Do not count the signature
Address of signer is missing, but can be determined by other information provided on that nomination paper	Count the signature. Indicate where the missing information is found, circle it, and draw an arrow to the place where it should be provided
Municipality of circulator is missing	Count the signatures on that page <u>only if</u> the municipality can be determined by information on that nomination paper, including an identical address of another signer. Indicate where the missing information is found, circle it, and draw an arrow to the place where it should be provided.
Any part of the circulator date is missing (mm/dd/yy is acceptable)	Do NOT count the signatures on the page
Circulator signed on the line that should have had the printed name	Count the signatures on that page

- After reviewing the nomination papers for sufficiency, order the pages in descending order of the number of sufficient signatures on each page, i.e., 10’s, 9’s, 8’s, 7’s, etc. to facilitate counting.

Note: Administrative rule GAB 2.05 outlines the criteria for determining sufficiency of signatures on nomination papers. A copy is attached for review and information.

ing to the commission. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the commission, no later than on the Friday following the date on which the committee convenes under this paragraph, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States.

(c) No later than 5 p.m. on the last Tuesday in January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the commission a petition to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the first Tuesday in January of such year, or the next day if Tuesday is a holiday, and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

(d) The commission shall forthwith contact each person whose name has been placed in nomination under par. (b) and notify him or her that his or her name will appear on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the last Tuesday in January of such year, with the commission, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The disclaimer may be filed with the commission by certified mail, telegram, or in person.

(2) BALLOTS. The form of the official ballots shall be prescribed by the commission. The ballot shall provide to an elector the opportunity to vote for an uninstructed delegation to represent this state at the presidential nominating convention of his or her party, or to write in the name of a candidate for the presidential nomination of his or her party.

(3) REPORTING OF RESULTS. No later than May 15 following the presidential preference primary, the commission shall notify each state party organization chairperson under sub. (1) (b) of the results of the presidential preference primary within the state and within each congressional district.

NOTE: This section is shown as affected eff. 6–30–16 by 2015 Wis. Act 118, section 266 (10). Prior to 6–30–16 it reads:

8.12 Presidential preference vote. (1) **SELECTION OF NAMES FOR BALLOT.** (a) No later than 5 p.m. on the 2nd Tuesday in December of the year before each year in which electors for president and vice president are to be elected, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for governor received at least 10% of the total votes cast for that office may certify to the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of that party.

(b) On the first Tuesday in January of each year, or the next day if Tuesday is a holiday, in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each party filing a certification under this subsection, the state chairperson of that state party organization or the chairperson's designee, one national committeeman and one national committeewoman designated by the state chairperson; the speaker and the minority leader of the assembly or their designees, and the president and the minority leader of the senate or their designees. All designations shall be made in writing to the board. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the board, no later than on the Friday following the date on which the committee convenes under this paragraph, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media through-

out the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States.

(c) No later than 5 p.m. on the last Tuesday in January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the first Tuesday in January of such year, or the next day if Tuesday is a holiday, and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

(d) The board shall forthwith contact each person whose name has been placed in nomination under par. (b) and notify him or her that his or her name will appear on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the last Tuesday in January of such year, with the board, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The disclaimer may be filed with the board by certified mail, telegram, or in person.

(2) BALLOTS. The form of the official ballots shall be prescribed by the board. The ballot shall provide to an elector the opportunity to vote for an uninstructed delegation to represent this state at the presidential nominating convention of his or her party, or to write in the name of a candidate for the presidential nomination of his or her party.

(3) REPORTING OF RESULTS. No later than May 15 following the presidential preference primary, the board shall notify each state party organization chairperson under sub. (1) (b) of the results of the presidential preference primary within the state and within each congressional district.

History: 1973 c. 334 ss. 16, 57; 1975 c. 93, 185, 199, 422; 1977 c. 427; 1979 c. 34, 260, 311, 355; 1983 a. 484; 1985 a. 304 ss. 100 to 106, 156; 1987 a. 391; 1989 a. 192; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2003 a. 24; 2011 a. 45; 2015 a. 118 s. 266 (10).

The national democratic party has a protected right of political association and may not be compelled to seat delegates chosen in an open primary in violation of the party's rules. *Democratic Party of U.S. v. Wisconsin*, 450 U.S. 107 (1981).

8.125 Accessibility of presidential caucuses. Any political party which holds a caucus open to the public for the purpose of selecting delegates to the national presidential nominating convention of the party shall hold the caucus in a place which is accessible to persons in wheelchairs.

History: 1985 a. 304.

8.13 Commission city primary. At the first primary after adoption of the commission form of government the 2 candidates for mayor and the 4 candidates for council members receiving the highest number of votes shall be nominated. At subsequent primaries the 2 candidates receiving the most votes for either office shall be nominated. Only the names of the nominees shall appear on the spring election ballot.

History: 1985 a. 135 s. 83 (2).

8.15 Nominations for partisan primary. (1) Nomination papers may be circulated no sooner than April 15 preceding the general election and may be filed no later than 5 p.m. on June 1 preceding the partisan primary, except as authorized in this subsection. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on June 1 preceding the partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this subsection. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this subsection for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this subsection. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline may have their names appear on the official partisan primary ballot.

(2) Only one signature per person for the same office is valid. In addition to his or her signature, in order for the signature to be

valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing.

(3) All signers on each separate nomination paper for all state offices, county offices, and the offices of U.S. senator and representative in congress shall reside in the jurisdiction or district which the candidate named on the paper will represent, if elected.

(4) (a) The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the circulator, is a qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate; and that he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes the certification next to his or her signature. The certification may be made by the candidate or any qualified circulator.

(b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

NOTE: Par. (b) is shown as amended by 2015 Wis. Act 118 eff. 6–30–16 and as affected by 2015 Wis. Acts 117 and 118 as merged by the legislative reference bureau under s. 13.92 (2) (i). Prior to 6–30–16 it reads:

(b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

(5) (a) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles) residing at (insert candidate's street address) be placed on the ballot at the (general or special) election to be held on (date of election) as a candidate representing the (name of party) so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office). I have not signed the nomination paper of any other candidate for the same office at this election.

(b) Each candidate shall include his or her mailing address on the candidate's nomination papers.

(6) The number of required signatures on nomination papers shall be as follows:

(a) For statewide offices, not less than 2,000 nor more than 4,000 electors.

(b) For representatives in congress, not less than 1,000 nor more than 2,000 electors.

(c) For state senators, not less than 400 nor more than 800 electors.

(d) For representatives to the assembly, not less than 200 nor more than 400 electors.

(dm) For district attorneys, not less than 500 nor more than 1,000 electors in prosecutorial units over 100,000 population and not less than 200 nor more than 400 electors in prosecutorial units of 100,000 population or less.

(e) For county offices, not less than 500 nor more than 1,000 electors in counties over 100,000 population and not less than 200 nor more than 400 electors in counties of 100,000 population or less.

(7) A candidate may not run in more than one party primary at the same time. No filing official may accept nomination papers for the same person in the same election for more than one party. A person who files nomination papers as the candidate of a recognized political party may not file nomination papers as an independent candidate for the same office at the same election.

(8) Nomination papers shall be filed:

(a) For state offices and the offices of U.S. senator and representative in congress, in the office of the commission.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 118, section 266 (10). Prior to 6–30–16 it reads:

(a) For state offices and the offices of U.S. senator and representative in congress, in the office of the board.

(b) For county offices, in the office of the county clerk or board of election commissioners.

History: 1971 c. 304 ss. 13, 29 (1), (2); 1973 c. 334 s. 57; 1977 c. 107, 427; 1979 c. 249, 260, 311; 1983 a. 29, 484; 1985 a. 304; 1989 a. 31; 1993 a. 140, 213, 266; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 1; 2011 a. 32, 75; 2013 a. 160; 2015 a. 117; 2015 a. 118 ss. 99, 266 (10); s. 13.92 (2) (i).

Cross-reference: See also ss. GAB 2.09, 2.11, and 6.04, Wis. adm. code.

The ban on multiple party nominations under sub. (7) does not burden the associational rights of political parties and is justified by compelling state interests. *Swamp v. Kennedy*, 950 F.2d 383 (1991).

8.16 Partisan nominations. (1) Except as provided in sub. (2), the person who receives the greatest number of votes for an office on a party ballot at any partisan primary, regardless of whether the person's name appears on the ballot, shall be the party's candidate for the office, and the person's name shall so appear on the official ballot at the next election.

(2) A person who receives only write-in votes shall not appear on the ballot as the candidate of a recognized political party for an office whenever no candidate's name appears on the ballot for that office unless the person receives at least 5% of the vote cast in the jurisdiction or district for the party's gubernatorial candidate at the last general election or the number of votes equivalent to the minimum number of signatures required on nomination papers for that office under s. 8.15 (6), whichever is greater, and unless:

(a) The person files a declaration of candidacy under s. 8.21 no later than 5 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the person by the filing officer or agency for the office sought;

(b) If the person is a candidate for state office, the person files a statement of economic interests under s. 19.43 (4), no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the person by the commission; and

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 118, section 266 (10). Prior to 6–30–16 it reads:

(b) If the person is a candidate for state office, the person files a statement of economic interests under s. 19.43 (4), no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the person by the board; and

(c) If the person is a candidate for state or local office, the person files a registration statement under s. 11.0202 (1) (a).

(2m) Independent candidates may not be nominated by write-in votes but shall file nomination papers under s. 8.20.

to vote for the same candidates for president and vice president, the number of required signatures shall be not less than 2,000 nor more than 4,000 electors.

(5) Only one signature per person for the same office is valid. In addition to his or her signature, in order for the signature to be valid, each signer shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Signers of each nomination paper shall reside in the same jurisdiction or district which the candidate named therein will represent, if elected.

(6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

NOTE: Sub. (6) is shown as amended by 2015 Wis. Act 118 eff. 6–30–16 and as affected by 2015 Wis. Acts 117 and 118 as merged by the legislative reference bureau under s. 13.92 (2) (i). Prior to 6–30–16 it reads:

(6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

(7) Nomination papers shall be filed in the office of the commission for all state offices and the offices of U.S. senator and representative in congress, and in the office of county clerk or board of election commissioners for all county offices.

NOTE: Sub. (7) is shown as amended eff. 6–30–16 by 2015 Wis. Act 118. Prior to 6–30–16 it reads:

(7) Nomination papers shall be filed in the office of the board for all state offices and the offices of U.S. senator and representative in congress, and in the office of county clerk or board of election commissioners for all county offices.

(8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election, except president, vice president and presidential elector, may be circulated no sooner than April 15 preceding the election and may be filed no later than 5 p.m. on the June 1 preceding the partisan primary, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on June 1 preceding the partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

(am) Nomination papers for independent candidates for president and vice president, and the presidential electors designated to represent them, may be circulated no sooner than July 1 and may be filed not later than 5 p.m. on the first Tuesday in August preceding a presidential election.

(b) Nomination papers for independent candidates for any office to be voted upon at a partisan special election shall be circulated and filed as provided in s. 8.50 (3) (a).

(9) Persons nominated by nomination papers without a recognized political party designation shall be placed on the official bal-

lot at the general election and at any partisan election to the right or below the recognized political party candidates in their own column or row designated “Independent”. If the candidate’s name already appears under a recognized political party it may not be listed on the independent ballot, column or row.

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1975 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266; 1999 a. 6, 32, 182, 186; 2001 a. 109; 2005 a. 451; 2007 a. 1; 2011 a. 32, 75; 2013 a. 160; 2015 a. 117, 118; s. 13.92 (2) (i).

Cross-reference: See also ss. GAB 2.09, 2.11, and 6.04, Wis. adm. code.

8.21 Declaration of candidacy. (1) Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office that the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office.

(2) The declaration of candidacy shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office and shall state all of the following:

(a) That the signer is a candidate for a named office.

(b) That the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.

(c) That the signer will otherwise qualify for office if nominated and elected.

(3) The declaration of candidacy shall include the candidate’s name in the form in which it will appear on the ballot.

(4) Each candidate for state and local office shall include in the declaration of candidacy all of the following:

(a) A statement that the candidate has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which the candidate has not been pardoned.

(b) A statement that discloses the candidate’s municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides.

(5) The declaration of candidacy is valid with or without the seal of the officer who administers the oath.

(6) A candidate for state or local office shall file an amended declaration of candidacy under oath with the same officer or agency if any information contained in the declaration of candidacy changes at any time after the original declaration of candidacy is filed and before the candidate assumes office or is defeated for election or nomination.

History: 1983 a. 484 s. 94; 1985 a. 304; 1987 a. 391; 1993 a. 140; 1999 a. 182; 2001 a. 109; 2005 a. 149.

Cross-reference: See also s. GAB 6.04, Wis. adm. code.

A candidate for election to Congress need not be a resident of the district at the time he or she files nomination papers and executes the declaration of intent to accept the office if elected. A candidate for Congress must be an inhabitant of the state at the time of election. 61 Atty. Gen. 155.

8.25 Election of state and federal officers. (1) PRESIDENTIAL ELECTORS. By general ballot at the general election for choosing the president and vice president of the United States there shall be elected as many electors of president and vice president as this state is entitled to elect senators and representatives in congress. A vote for the president and vice president nominations of any party is a vote for the electors of the nominees.

(2) UNITED STATES SENATOR. One senator to serve in the United States congress shall be chosen at the general election in 1962 and every 6 years thereafter and another in 1964 and every 6 years thereafter.

(3) REPRESENTATIVE IN CONGRESS. One representative to serve in the United States congress shall be chosen from each congressional district at the general election held in each even-numbered year.

(4) CONSTITUTIONAL OFFICERS; TERMS. (a) A governor, lieutenant governor, secretary of state, treasurer and an attorney general shall be elected at the general election in 1970 and quadrennially thereafter. A state superintendent shall be elected on the first Tuesday in April 1917 and quadrennially thereafter.

(b) 1. The regular full term of office of the state superintendent commences on the first Monday of July, next succeeding the superintendent's election.

2. The regular full term of each other officer enumerated in par. (a) commences on the first Monday of January, next succeeding the officer's election.

(5) DISTRICT ATTORNEY; TERM. A district attorney shall be elected for each prosecutorial unit specified in s. 978.01 at the general election in 2008 and quadrennially thereafter. The regular term of the office of district attorney commences on the first Monday in January next succeeding the officer's election.

History: 1981 c. 62, 314; 1987 a. 391; 1989 a. 31; 2007 a. 158.

8.28 Challenge to residency qualifications. (1) Any individual who believes that an individual holding or elected to state or local office is not a resident or inhabitant of this state or of the jurisdiction or district in which he or she serves, whenever such qualification is required by the constitution of this state or by any applicable law, may file a verified complaint with the attorney general alleging such facts as may cause him or her to believe that the individual is not qualified to hold office because of failure to meet a residency requirement.

(2) The attorney general may thereupon investigate whether such allegations are true. If the attorney general finds that the allegations of the complaint are true or for any other reason finds that the subject person who is holding or elected to office is not qualified because of failure to meet a residency requirement, the attorney general may commence an action under ch. 784 for a writ of quo warranto to have the subject person's office declared vacant or to restrain any person not entitled to take office from assuming it. In the case of a person who is elected to office in the legislature, the clerk of court shall transmit a copy of the judgment to the presiding officer of the appropriate house, and the house shall determine whether the person is qualified to be seated or whether a vacancy exists.

History: 1979 c. 249; 1983 a. 484.

8.30 Candidates ineligible for ballot placement. (1)

Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:

(a) The nomination papers are not prepared, signed, and executed as required under this chapter.

(b) It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected.

(c) The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

(2) If no registration statement has been filed by or on behalf of a candidate for state or local office in accordance with s. 11.0202 (1) (a) by the applicable deadline for filing nomination papers by such candidate, or the deadline for filing a declaration of candidacy for an office for which nomination papers are not filed, the name of the candidate may not appear on the ballot. This subsection may not be construed to exempt a candidate from applicable penalties if he or she files a registration statement later than the time prescribed in s. 11.0202 (1) (a).

(2m) The official or agency with whom nomination papers and declarations of candidacy are required to be filed shall not place a candidate's name on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05 (2m) (d) 2., 15.61 (3), or 19.49 (2) (c) 2.

NOTE: Sub. (2m) is shown as amended eff. 6–30–16 by 2015 Wis. Act 118. Prior to 6–30–16 it reads:

(2m) The official or agency with whom nomination papers and declarations of candidacy are required to be filed shall not place a candidate's name on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05 (2m) (d) 2. or 15.60 (6).

(3) The official or agency with whom declarations of candidacy are required to be filed may not place a candidate's name on the ballot if the official or agency is prohibited from doing so under s. 19.43 (4) or an ordinance adopted under s. 19.59 (3) (b).

(4) The official or agency with whom a declaration of candidacy is required to be filed may not place a candidate's name on the ballot if the candidate fails to file a declaration of candidacy within the time prescribed under s. 8.21.

History: 1975 c. 93; 1979 c. 120, 328; 1979 c. 355 ss. 28, 29; 1983 a. 484; 1985 a. 304; 1987 a. 391; 2001 a. 109; 2005 a. 149, 177; 2007 a. 1; 2015 a. 117, 118.

Cross-reference: See also ss. GAB 2.09 and 2.11, Wis. adm. code.

A petitioner who timely filed with the county clerk rather than with the elections board under s. 8.10 (6) (a) is barred from the ballot. State ex rel. Ahlgrimm v. State Elections Board, 82 Wis. 2d 585, 263 N.W.2d 152 (1978).

8.35 Vacancies after nomination. (1) Any person who files nomination papers and qualifies to appear on the ballot may not decline nomination. The name of that person shall appear upon the ballot except in case of death of the person. A person who is appointed to fill a vacancy in nomination or who is nominated by write-in votes is deemed to decline nomination if he or she fails to file a declaration of candidacy within the time prescribed under sub. (2) (c) or s. 8.16 (2).

(2) (a) If a vacancy occurs after nomination due to the death of a candidate of a recognized political party for a partisan office, the vacancy may be filled by the chairperson of the committee of the proper political party under s. 7.38, or the candidate committee, if any, in the case of independent candidates. Similar vacancies in nominations of candidates for nonpartisan local offices may be filled by a candidate committee or, if there is none, by the body which governs the local governmental unit in which the deceased person was a candidate for office. The chairperson, chief officer of the candidate committee, or clerk of the body making an appointment shall file a certificate of appointment with the official or agency with whom declarations of candidacy for the office are filed. For purposes of this paragraph, the official or agency need not recognize members of a candidate committee whose names were not filed under s. 11.0203 (1) (c) prior to the death of the candidate.

(b) If a vacancy in nomination occurs due to the death of a candidate, the officer or agency with whom nomination papers are filed for the office shall promptly notify the chairperson, committee or body, if any, that the vacancy may be filled within 4 days of the date of the notice, as shown by the postmark if the notice is mailed. The chairperson, committee or body may file a sworn certificate of nomination with the official or agency within the 4-day period.

(c) The official or agency with whom a proper certificate is filed under par. (b) shall promptly notify the candidate who is nominated and transmit to the candidate a declaration of candidacy form and, in the case of a candidate for state or local office, a registration statement form under s. 11.0203 (1). No later than 5 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the new nominee by the official or agency, the nominee shall file a declaration of candidacy and, in the case of a candidate for state or local office, a registration statement under s. 11.0203 (1). No later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to a new nominee for state office or municipal judge by the official or agency, the nominee shall file a statement of economic interests

Chapter GAB 2

ELECTION RELATED PETITIONS

GAB 2.05 Treatment and sufficiency of nomination papers.
GAB 2.07 Challenges to nomination papers.

GAB 2.09 Treatment and sufficiency of election petitions.
GAB 2.11 Challenges to election petitions.

Note: Chapter EIBd 2 was renumbered chapter GAB 2 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 2. and 7., Stats., [Register April 2008 No. 628](#).

GAB 2.05 Treatment and sufficiency of nomination papers. (1) Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.

(2) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number "1". Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.

(3) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.

(4) Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.

(5) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.

(6) Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.

(7) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. 11.30 (2), Stats., is not required on any nomination paper.

(8) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.

(9) A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8) applies.

(10) The signature of a married woman shall be counted when she uses her husband's first name instead of her own.

(11) Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election.

(12) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.

(13) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.

(14) No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.

(15) An individual signature on a nomination paper may not be counted when any of the following occur:

(a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.

(b) The signature is dated after the date of certification contained in the certificate of circulator.

(c) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

(d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.

(e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.

(16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.

(17) This section is promulgated pursuant to the direction of s. 8.07, Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

History: Emerg. cr. 8-9-74; cr. [Register, November, 1974, No. 227](#), eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. [Register, November, 1984, No. 347](#), eff. 12-1-84; r. and recr. [Register, January, 1994, No. 457](#), eff. 2-1-94; [CR 00-153](#): am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15) (b) as renum., [Register September 2001 No. 549](#), eff. 10-1-01.

GAB 2.07 Challenges to nomination papers. (1) The board shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the board under ss. 5.05 and 5.06, Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. GAB 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. GAB 2.05 (3).

(2) (a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. GAB 20. Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements.

(b) The response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the board or the local filing officer shall decide the challenge with or without a hearing.

(3) (a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.

(b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.

(c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.

(d) Challengers are not limited to the categories set forth in pars. (a) and (b).

(4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

(5) Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

History: Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. Register, Novem-

ber, 1984, No. 347, eff. 12-1-84; emerg. am. (1), (4) to (6), eff. 6-1-86; am. (1), (4) to (6), Register, November, 1986, No. 371, eff. 12-1-86; r. and recr. Register, January, 1994, No. 457, eff. 2-1-94; CR 00-153: am. (2) (a) and (b), Register September 2001 No. 549, eff. 10-1-01; reprinted to restore dropped copy in (2) (b), Register December 2001 No. 552; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register April 2008 No. 628.

GAB 2.09 Treatment and sufficiency of election petitions. (1) Except as expressly provided herein, the standards established in s. GAB 2.05 for determining the treatment and sufficiency of nomination papers are incorporated by reference into, and are made a part of, this section.

(2) In order to be timely filed, all petitions required to comply with s. 8.40, Stats., and required by statute or other law to be filed by a time certain, shall be in the physical possession of the filing officer not later than the time set by that statute or other law.

(3) All petitions shall contain at least the number of signatures, from the election district in which the petition was circulated, equal to the minimum required by the statute or other law establishing the right to petition.

(4) Only one signature per person for the same petition, is valid.

(5) This section applies to all petitions which are required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing would require a governing body to call a referendum election.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

GAB 2.11 Challenges to election petitions. (1) Except as expressly provided herein, the standards established in s. GAB 2.07 for determining challenges to the sufficiency of nomination papers apply equally to determining challenges to the sufficiency of petitions required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing requires a governing body to call a referendum election.

(2) (a) Any challenge to the sufficiency of a petition required to comply with s. 8.40, Stats., shall be made by verified complaint filed with the appropriate filing officer. The form of the complaint, the filing of the complaint and the legal sufficiency of the complaint shall comply with the requirements of ch. GAB 20; the procedure for resolving the complaint, including filing deadlines, shall be governed by this section and not by ch. GAB 20.

(b) The complaint challenging a petition shall be in the physical possession of the filing officer within the time set by the statute or other law governing the petition being challenged or, if no time limit is specifically provided by statute or other law, within 10 days after the day that the petition is filed.

(3) The response to a challenge to a petition shall be filed within the time set by the statute or other law governing that petition or, if no time limit is specifically provided by statute or other law, within 5 days of the filing of the challenge to that petition. After the deadline for filing a response to a challenge, the filing officer shall decide the challenge with or without a hearing.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

State of Wisconsin\Government Accountability Board

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



JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9-10, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by:
Nathan W. Judnic
Staff Counsel

SUBJECT: Promulgation of Administrative Rules

I. Status of Promulgation Progress:

A table summarizing the promulgation status of administrative rules the Board has directed staff to engage in follows this memorandum as “Attachment 1.”

In addition to Attachment 1, the following summarizes noteworthy progress on certain administrative rules since the Board’s last formal update:

A. Technical College ID (Chapter GAB 10 – Voter Identification)

Chapter GAB 10 became effective as a permanent rule on February 1, 2016. The rule allows a Wisconsin technical college system student identification card to be presented to satisfy the photo ID requirement now in effect for voting.

B. Synchronization of Certification Terms for Election Officials

The Board directed staff to submit a statement of scope to the Governor’s Office to synchronize the certification terms of certain election officials. Following the submission of the statement of scope, members of the Legislature reached out to the Board staff and indicated that legislation to accomplish the same goal would be introduced; therefore an administrative rule would not be needed. 2015 Wisconsin Act 229, which synchronized the certification terms became effective March 3, 2016. Therefore, no further promulgation of this rule is necessary.

C. Scope Statements Submitted to Governor

Since the last Board meeting, Scope Statements for the following rules have been submitted to the Governor's Office for review and approval: Absentee Ballot Subscription Service and Fee Schedule (GAB § 3.60), Procedure (GAB Ch. 6), Practice and Procedure (GAB Ch. 21).

II. Review of Pending Rulemaking

The table (Attachment 1) makes several notations to rules that are in very early stages of the promulgation process (drafting statements of scope, drafting rule) and are in a holding pattern until the new commissions take over operations. Board staff will request guidance from the new commissions going forward on the direction of some of the rules.

State of Wisconsin\Government Accountability Board

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



JUDGE VICTOR MANIAN
 Chair

KEVIN J. KENNEDY
 Director and General Counsel

ATTACHMENT 1: Status of Administrative Rules

#	Proposed Rule:	Board Directive to Promulgate:	Status:
1	Use of Technical College IDs for Voting Purposes	November – December 2011	<ul style="list-style-type: none"> Chapter GAB 10, effective 2/1/16
2	Contents of Training that Municipal Clerks Must Provide to Election Inspectors and Special Voting Deputies	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Statement of Scope submitted to the Governor (4/14/15) Board approved Statement of Scope (6/18/15) Staff has commenced drafting the rule – on hold pending review by Elections Commission at later date
3	Standards for Determining Validity of Votes Cast with Electronic Voting Equipment	January 13, 2015	<ul style="list-style-type: none"> Staff completed first draft of Statement of Scope in 2013 Staff has commenced drafting an updated Statement of Scope – on hold pending review by Elections Commission at later date
4	Approval of Electronic Voting Equipment in Accordance with WIS. STAT. §§5.40(2), 5.76, 5.77, 5.905, 7.23(1)(g) (Electronic Voting Systems, GAB Ch. 7)	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Statement of Scope submitted to the Governor (4/9/2015) Board approved Statement of Scope (6/18/15) Staff has commenced drafting the rule – on hold pending review by Elections Commission at later date
5	Ballot Security and Interpreting WIS. STAT. §§5.84, 5.86, 5.87, 5.905, 5.91, 7.23, 7.51, and 9.01 (Ballot and Voting System Security, GAB Ch. 5)	January 13, 2015	<ul style="list-style-type: none"> Staff completed first draft of Statement of Scope in 2013 Staff has completed the new draft of the Statement of Scope to submit to the Governor – on hold pending review by Elections Commission at later date

6	Administer Statutory Requirements for Electronic Voting Systems	January 13, 2015	<ul style="list-style-type: none"> Staff has commenced drafting other specific Statements of Scope that encompasses this broad directive
7	Election Notices that Clerks Must Use to Inform Public About Elections	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (12/14/15), waiting on approval to draft rule – pending approval will transfer to new Elections Commission
8	Responsibilities of Clerks for Maintaining Records in the Statewide Voter Registration System	January 13, 2015	<ul style="list-style-type: none"> Staff has completed the first draft of the Statement of Scope – on hold pending review by Elections Commission at later date
9	Conduct and Regulation of Election Observers to Monitor Compliance with Election Laws by Local Officials	January 13, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (5/18/15), waiting on approval to draft rule – pending approval will transfer to new Elections Commission
10	Procedures for Ethics and Elections Complaints	April 29, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope – on hold pending review by Elections and Ethics Commissions at later date
11	Acceptable Proofs of Residence (Including Electronic)	April 29, 2015	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/2/15), waiting on approval to draft rule - pending approval will transfer to new Elections Commission
12	U.S. Citizen as Witness for Overseas Voter	April 29, 2015	<ul style="list-style-type: none"> Staff drafted the Statement of Scope Scope statement submitted to the Governor (12/14/15), waiting on approval to draft rule - pending approval will transfer to new Elections Commission
13	Procedures for Curbside Voting	April 29, 2015	<ul style="list-style-type: none"> Staff drafted the Statement of Scope Scope statement submitted to the Governor (12/14/15), waiting on approval to draft rule - pending approval will transfer to new Elections Commission
14	Definition of “Same Grounds” for Voting Purposes in WIS. STAT. §6.875(3)(b)	April 29, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope - on hold pending review by Elections Commission at later date
15	Synchronization of Certification Terms for	April 29, 2015	<ul style="list-style-type: none"> Directive accomplished via legislation: 2015 Wisconsin Act 229 (effective 3/2/16) synchronized the certification terms for election officials

	Municipal Clerks, Special Registration Deputies, and Election Inspectors		
16	Applications for Approval of Modification to Voting Systems Previously Approved for Use in Wisconsin	April 29, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope - on hold pending review by Elections Commission at later date
17	Removal of Rules No Longer In Effect	January 13, 2015	<ul style="list-style-type: none"> Wisconsin Administrative Code updated to remove sections no longer in effect – sections removed 8/15/15
18	Deadline for Receipt of Documents Filed by Fax	June 18, 2015	<ul style="list-style-type: none"> Staff has commenced drafting the Statement of Scope - on hold pending review by Elections Commission at later date
19	Amend GAB §3.04(2) to comply with WIS. STAT. §6.97(3)(b)	June 18, 2015	<ul style="list-style-type: none"> Staff has drafted the Statement of Scope - on hold pending review by Elections Commission at later date
20	Establish an absentee ballot information subscription service and fee structure	April 26, 2016	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/1/16), waiting on approval to draft rule - pending approval will transfer to new Elections Commission
21	Amend Chapter GAB 6 (Elections and Ethics)	April 26, 2016	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/1/16), waiting on approval to draft rule - pending approval will transfer to new Elections Commission
22	Amend Chapter GAB 21 (Elections and Ethics)	April 26, 2016	<ul style="list-style-type: none"> Staff drafted Statement of Scope Scope statement submitted to the Governor (6/1/16), waiting on approval to draft rule - pending approval will transfer to new Elections Commission

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9-10, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel
Wisconsin Government Accountability Board
Prepared By: Adam Harvell

SUBJECT: 2015 Wisconsin Act 117 –Questions on Changes to Campaign Finance Regulation

INTRODUCTION:

At the April 26, 2016 meeting, Ethics and Accountability Division staff presented a series of questions about the impact of the campaign finance overhaul legislation on local registrants. The purpose of this memorandum is to reexamine current campaign finance procedures in light of changes made to the campaign finance law upon adoption of 2015 Wisconsin Act 117. One issue was left open, the applicability of a filing fee to local referenda groups.

1) Local Committees – Local Filing Fee

Issue: Should local recall and referendum committees be required to pay the \$100 annual filing fee?

Discussion: The previous statute §11.055 specifically limited the filing fee to entities “required to register with the board.” The current statute §11.0102(2)(a) states: “Except as provided in pars. (c) and (d), each committee that is required to register under this chapter shall annually pay a filing fee of \$100 to the commission.”

All candidate committees, local and state, are exempt from paying the filing fee. Additionally, any committee that does not make disbursements exceeding \$2,500 in a calendar year is also not required to pay the fee. However, if a local referendum committee or recall committee (required to register under Chapter 11) were to have more than \$2,500 of activity in a calendar year, the statute could require them to pay a \$100 fee to the commission.

In practice, only a very small number of local committees would ever meet the thresholds to pay the filing fee. Referendum committees are only required to register if they have more than \$10,000 of

activity, which is fairly rare at the local level. Recall committees are also rare, and local efforts are less likely than state committees to exceed \$2,500 in activity.

Since these committees are required to register only with local filing officers, there is no master list of active committees. Instead, commission staff would have to contact all county clerks, municipal clerks, and school district clerks on a yearly basis to verify the committees' registration and activity level. Collecting the fee may actually cost more in staff time than the revenue it would generate.

Additionally, the rationale for the filing fee – using the funds to offset expenses for the CFIS website and campaign finance staff - doesn't apply to local committees. Local committees do not use CFIS. While they do occasionally ask staff for help with campaign finance questions, the time spent to support local committees is minimal compared to state-level committees.

Board Members raised questions about the legislative intent of this requirement. In follow up discussions with legislative staff, we have learned that the matter had not been the subject of any discussions. Legislative staff did not recall any intent to change the prior law and thinks this may have been an unintended consequence of trying to simplify the law.

Recommendation: The Board should direct staff not to enforce the filing fee requirement on local referendum committees and recall committees. The Board should also add this item to its legislative agenda, and request that the statute be changed to apply only to those committees registered with the commission.

State of Wisconsin\Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9-10, 2016 Meeting

TO: Members, Wisconsin Government Accountability Board

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

SUBJECT: Agency Transition Report

Legislation to reorganize the Government Accountability Board into two separate bipartisan commissions effective June 30, 2016 was approved by the Governor on December 16, 2015 as 2015 Wisconsin Act 118.

The legislation requires the Secretary of the Department of Administration (DOA) to submit an implementation plan by June 1, 2016, to the Joint Committee on Finance for approval under section 13.10 of the statutes. We expect the plan to be completed in early May so that the Joint Committee on Finance can take it up before June 1, 2016.

In the plan, the secretary shall propose expenditure authority for the elections commission and the ethics commission by appropriation and specify the funding sources of all positions for each commission. The Director and General Counsel is required to participate in formulating the implementation plan. He is also required to work in concert with the secretary and members appointed to the elections and the ethics commissions to ensure a smooth transition.

On May 18, 2016 the Department of Administration submitted the required transition report to the Joint Committee on Finance. As of the time of the preparation of this memorandum, the Committee had not scheduled a meeting to consider the report. A copy of the report is attached.

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

Transition of the Government Accountability Board to the Ethics Commission and Elections Commission

**2015 Wisconsin Act 118
Proposed Implementation Plan**



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

Introduction and Background

Pursuant to 2015 Wisconsin Act 118, the Department of Administration (DOA) submits the following implementation plan to the Joint Committee on Finance for consideration under section 13.10 of the statutes in order to complete the transition from the Government Accountability Board to the Ethics Commission and Elections Commission.

This plan was formed in consultation with key staff of the Government Accountability Board (GAB), including the current director and general counsel, as directed by Act 118. The report proposes expenditure authority for the Ethics Commission and Elections Commission by appropriation and specifies the funding sources for all positions. The plan also addresses the transfer of the GAB's assets and liabilities; additional information on positions and the transition of employees; tangible personal property; contracts; rules, orders, and formal opinions; pending matters; and transitions and initial terms to the new commissions.

Expenditure and Position Authority

The recommended budgets and authorized position authority for the new commissions are as follows:

	Ethics Commission Budget	Ethics Commission FTE Positions	Elections Commission Budget	Elections Commission FTE Positions
GPR	874,000	4.55	2,046,500	9.75
PR	551,800	3.45	7,700	0.00
PRF	0	0.00	195,700	22.00
SEG	0	0.00	100	0.00
SEGF	0	0.00	2,819,400	0.00
TOTAL	\$1,425,800	8.00	\$5,069,400	31.75

This split is based largely on the salary and fringe benefit costs as of February, 2016 of employees under the proposed organizational structure for each commission and spending in prior years:

	Government Accountability Board Budget	Government Accountability Board FTE Positions
GPR	2,920,500	14.30
PR	559,500	3.45
PRF	195,700	22.00
SEG	100	0.00
SEGF	2,819,400	0.00
TOTAL	\$6,495,200	39.75

General supplies and services funding was split 75% to the Elections Commission and 25% to the Ethics Commission based on an estimate of prior year spending. Similarly, the materials and services appropriation was split 40% to the Elections Commission and 60% to the Ethics Commission based on an estimate of prior year expenditures. In addition, the plan allocates \$225,000 GPR and \$25,000 GPR to the Ethics Commission and the Elections Commission for the respective investigation appropriations. The specific expenditure authority for each appropriation for the Ethics and Elections Commission is detailed in Appendix A.

The current appropriation under s.20.511 (1)(a) General program operations; general purpose revenue is a biennial appropriation and has been renumbered to s.20.510 (1)(a) in the Elections Commission. Consequently, any unspent GPR funds will carry forward to the successor appropriation.

In addition, it is estimated that there will be a cash balance in the following program revenue appropriations that will need to be carried forward to the appropriate appropriation and if relevant, split under the same assumptions as above:

- s.20.511 (1)(h) - Materials and Services
- s.20.511 (1)(i) - Elections administration; program revenue
- s. 20.511 (1)(im) - Lobbying administration; program revenue

Additional steps have been and will continue to be taken to ensure that the two commissions are able to operate beginning June 30, 2016, including:

- Establish agency business units, chart fields, combination codes and other agency specific configurations in STAR tables in production environment with a future effective date of June 30th;
- Establish security roles and role-mapping for each employee in STAR;
- Adjust the Consolidated Employer Identification Number and the Wisconsin Taxpayer Number for federal and state tax withholding and reporting purposes;
- Work with the State Controller's Office to establish employee identification numbers for state tax exempt certificate;
- Work with the commissions and US Bank to create new purchasing cards.

Positions and Employees

Act 118 transfers all incumbent employees, with the exception of the director and general counsel, to the new commissions. The proposed organizational charts for the Elections Commission Ethics Commission are attached to this plan as Appendix B and Appendix C.

Numerous internal process updates have occurred since the passage of Act 118 in order to ensure a smooth transfer of employees to the new commissions. First, new employing units were created for each of the new commissions. Next, DOA's Division of Personnel Management (DPM) conducted a review of the classifications for elections specialists and ethics specialists. Employees at the GAB who hold this title are the only employees in state service under this classification. A review was

completed to ensure that this was an appropriate classification level and pay range for the employees. At present, DPM determined that the employees are appropriately classified and the transition will create no change to the current classifications. Finally, DPM reviewed the Executive Salary Group (ESG) level for the future administrators of Ethics and Elections to ensure the pay range was equitable with similar administrator positions in other agencies and that the recruitments for the administrator positions is successful. The administrator positions will be set at an ESG 4 and the assistant administrator positions at an ESG 3.

GAB leadership has held multiple discussions with the current staff members to explain the transfer to the new commissions and to address any questions or concerns from the staff. After approval of this implementation plan, new appointment letters will be provided to incumbent employees with their new positions at the Ethics Commission and Elections Commission.

Ethics Commission:

The Ethics Commission will consist of eight full time equivalent positions, including the administrator and an attorney. While not recommended in this plan, if it is deemed necessary by the new Commission members, one position in the Ethics Commission could be converted to an unclassified assistant administrator position. With limited administrative support for the Ethics Commission, this plan proposes that a number of positions that will be housed in the Elections Commission will perform various administrative functions for the Ethics Commission through a memorandum of understanding (MOU). Functional areas that will be covered by this MOU include budget, human resources, contracts and purchasing, information technology support, website maintenance, administrative support and public information officer duties.

Elections Commission:

The Elections Commission will consist of 31.75 full time equivalent positions, including the unclassified administrator and assistant administrator positions. The organization of the Elections Commission includes elections specialists, IT support staff, administrative and accounting staff, an attorney and a public information officer. As noted in the section above, certain positions, including the chief administrative officer and the public information officer, will perform duties for both commissions.

It is important to note that of the 31.75 positions in the Elections Commission, 22 positions are currently funded through Help America Vote Act (HAVA) funding from the federal government. This funding was received in 2003 and the GAB estimates the funds will be completely depleted by the second quarter of the 2017-19 biennium. Alternative funding options for these positions will need to be discussed in the next biennial budget.

Tangible Personal Property, Assets and Liabilities

The tangible personal property of the Government Accountability Board has been assigned by GAB staff to either the Ethics Commission or Elections Commission. Examples of tangible personal property include desks, computer equipment, phones, supplies, and conference tables. Some

equipment, such as conference room tables and chairs, may need to be shared between the two commissions in order to hold meetings with the commissioners. This arrangement remains feasible because the two commissions will remain co-located at 212 E Washington Avenue, through at least the end of the current lease, which expires December 31, 2018, with two options to renew for an additional five years. The lease agreement includes standard escalators for rent through the duration of the lease. DOA's Division of Facilities Management will pro-rate the space charges for each commission based on the FTE position count.

GAB staff has developed three separate inventory documents allocating agency assets between the new commissions. An Information Technology Inventory has been developed listing all IT hardware and its allocation by user and commission, found in Appendix D. An Asset Inventory has been developed listing the allocation of furniture and other fixed assets, found in Appendix E.

Contracts

Currently, most contracts GAB utilizes are through statewide contracts and VendorNet. For example, GAB utilizes the IT services vendor contract to hire IT consultants each fiscal year. New purchase orders for fiscal year 2016-2017 will be created separately for the Ethics and Elections Commissions for all statewide contract use, including IT services.

Arrangements are being made to amend any contracts currently held with the GAB to reflect the applicable commission as the responsible party. For example, the maintenance agreement contract for the Campaign Finance Information System computer application will have to be amended to the Ethics Commission beginning June 30th for ongoing website maintenance and support. Additional contracts that will be amended can be found in Appendix F.

Rules, Orders, and Formal Opinions

Administrative Rules:

The Government Accountability Board has been working closely with the Legislative Reference Bureau in order to ensure the proper transfer of rules to each of the new commissions. For more information, please see the attached memo from the GAB to Bruce Hoesly of Legislative Reference Bureau addressing the administrative rules transition, found in Appendix G.

Orders:

There are no applicable orders that will need to be transferred to the new commissions. Most orders that have been issued by the GAB were to correct local election official actions based on one-time events.

Formal Opinions:

The Government Accountability Board staff has reviewed all formal opinions issued by the board in order to properly transfer the opinions to the commissions. The opinions have been allocated to the new commissions by subject matter and will be accessible from the applicable commission website on June 30, 2016. Due to the volume of formal opinions, an index is not being included as an appendix to this report. Current formal opinions can be found in two locations on the GAB's website: <http://www.gab.wi.gov/node/788> and <http://www.gab.wi.gov/node/789>.

Pending Matters:

The GAB has identified three active lawsuits that will be transferred to the Ethics or Elections Commissions. The Department of Justice has been notified of the change in defendants effective June 30, 2016. This information can be found in the memo from GAB staff counsel Nathan Judnic to GAB Director Kevin Kennedy, in Appendix H. The GAB does not have any active or ongoing investigations; however, if there were active investigations, the investigation would be confidential by statute and would have to be discussed in closed session.

Transitions

Act 118 provides that appointed commission members for both the Ethics and Elections Commissions can participate in the GAB board meetings as non-voting members. The GAB has made new appointees aware of this and ensured that they receive the appropriate materials for those meetings. The GAB has conducted an orientation for new legislative appointees of the two commissions.

As the new appointees begin to attend meetings and orientations, they will be eligible to receive per diem. Once appointed, the commissioners are being added to the payroll system in order to process the per diem payments, within the GAB's current budget. GAB staff has collected and filed oaths from the commissioners as they have been appointed.

Current commissioners have begun the process for recruiting administrators to head the new commissions. It is expected that the new administrators will begin service on June 30, 2016 after selection by the full commissions.

Initial Terms

Under Section 266 of Act 118 (non-statutory provisions), one half of the members of the Elections Commission who are appointed as initial members of the commission shall serve a term expiring May 1, 2019. One half of the members of the Ethics Commission shall serve the same term length under Section 266. The Act, however, does not specify which members are to serve the term that expires on May 1, 2019. After consulting with the GAB and bill authors, the Department of Administration recommends the following plan be adopted by the Joint Committee on Finance:

- For the Elections Commission, the following appointees will serve the term that expires on May 1, 2019:
 - Governor’s appointee from list prepared by the Speaker and Senate Majority Leader
 - Assembly Speaker appointee
 - Assembly Minority Leader appointee
- For the Ethics Commission, the following appointees will serve the term that expires on May 1, 2019:
 - Governor’s appointee from list prepared by the Senate and Assembly minority leaders
 - Senate Majority Leader appointee
 - Senate Minority Leader appointee

This proposal ensures each appointing authority has one appointee who serves the shorter term expiring May 1, 2019.

Miscellaneous Items

Websites:

The GAB has several websites for general information and specific programs. The staff has created a transition plan to ensure online continuity, including creation of new commission websites, changes to program-specific websites and preservation of the GAB website for historical purposes.

The new Elections Commission and Ethics Commission will each need new websites. GAB has begun creating new websites for each commission, which will contain basic information about the commissions and their meetings before and after the June 30, 2016 transition date. Pages for substantive information about commission programs will initially link to the existing GAB website. After the transition, new commission staff will work with the webmaster/public information officer to finish building out the new websites with program information, forms, manuals and other publications.

Existing agency websites will be modified to reflect the transition from the GAB to the Elections and Ethics Commissions. In the case of program websites (such as Eye on Lobbying or MyVote Wisconsin), any changes needed should be minor. After the transition date, the main GAB website will need more extensive modifications to reflect its change in status, and to direct visitors to the new agency websites. Additionally, the GAB website will need to be maintained for several years as a historical record of Board actions.

IT Systems:

GAB staff is working with DOA’s Division of Enterprise Technology (DET) to separate the H: Drive of electronic files and assign new email distribution lists. DET will need to allocate any IT chargebacks to the new commissions based on the IT asset allocation, Appendix D. The IT applications maintained by the GAB will be allocated to the respective Commissions.

Photo ID Funding:

If the Joint Committee on Finance approves the request from GAB regarding funding for a Photo ID education campaign, the money should be appropriated to the Elections Commission appropriation under s.20.510 (1)(a) General program operations; general purpose revenue.

Implementation Plan Appendix:

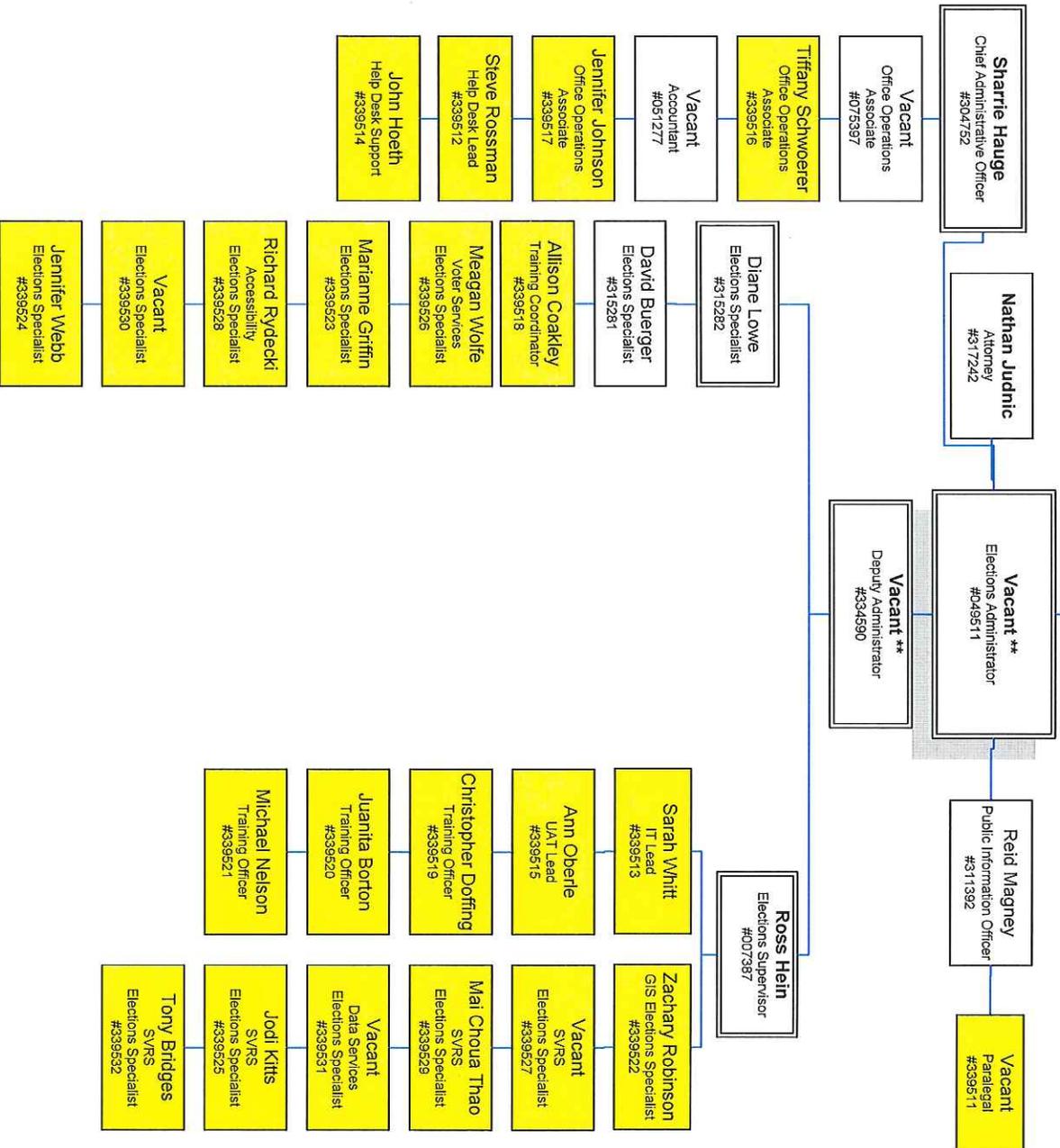
<i>Appendix A</i>	Commission Expenditure Authority
<i>Appendix B</i>	Elections Commission Organizational Chart
<i>Appendix C</i>	Ethics Commission Organizational Chart
<i>Appendix D</i>	IT Inventory
<i>Appendix E</i>	Asset Inventory
<i>Appendix F</i>	GAB Contracts
<i>Appendix G</i>	Administrative Rules Memo
<i>Appendix H</i>	Pending Matters

510	1 x	180	Federal aid: election administration fund	SEG	F	C		
			01 Permanent Position Salaries				987,700	
			03 Project Position Salaries				100	
			05 Fringe Benefits				406,100	
			06 Supplies and Services				1,425,500	
			Subtotal				2,819,400	
			18 Project Positions Authorized					0.00
			19 Classified Positions Authorized					22.00
			TOTAL	GPR			2,046,500	9.75
				PR			7,700	0.00
				PRF			195,700	22.00
				SEG			100	0.00
				SEGF			2,819,400	0.00
							\$5,069,400	31.75

Ethics Commission

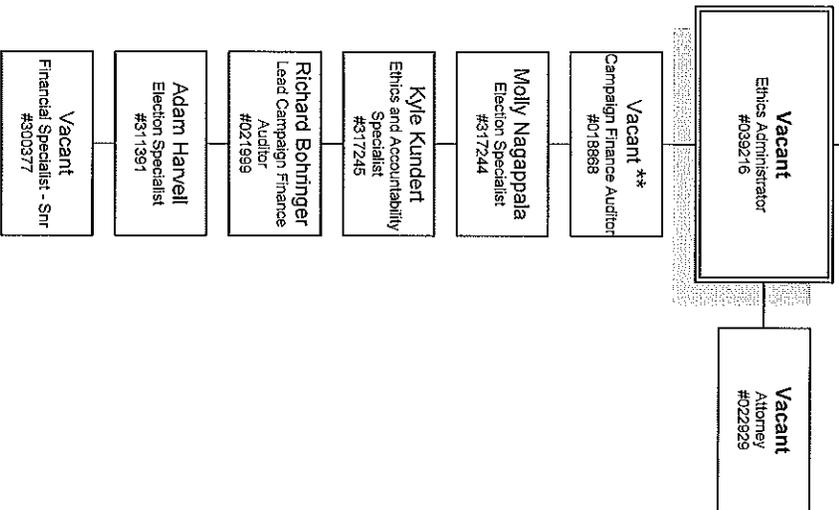
Agency	Program	Alpha	Numeric	Appropriation	Fund Source	Federal Service	Type	FY17 Funding	FY17 FTE
521	1a		101	01 Permanent program operations; general purpose revenue	GPR		A		
				01 Permanent Position Salaries				245,000	
				04 LTE/Misc. Salaries				9,900	
				05 Fringe Benefits				99,800	
				06 Supplies and Services				292,700	
				07 Permanent Property				1,600	
				Subtotal				649,000	
				19 Classified Positions Authorized					4.15
				20 Unclassified Positions Authorized					0.4
521	1be		105	Investigations	GPR		A		
				06 Supplies and Services				225,000	
521	1br		107	Special counsel	GPR		A	0	
521	1g		120	General program operations; program revenue	PR		A		
				06 Supplies and Services				31,700	
521	1h		121	Gifts and grants	PR		A	0	
521	1i		122	Materials and services	PR		A		
				06 Supplies and Services				11,500	
521	1im		123	Lobbying administration; program revenue	PR		A		
				01 Permanent Position Salaries				227,900	
				04 LTE/Misc. Salaries				1,000	
				05 Fringe Benefits				94,400	
				06 Supplies and Services				185,300	
				Subtotal				508,600	
				19 Classified Positions Authorized					2.85
				20 Unclassified Positions Authorized					0.60
521	1j		124	Electronic filing software	PR		A	0	

ELECTIONS COMMISSION



Federal Positions

ETHICS COMMISSION



G.A.B. IS Equipment Assignments

5/5/2016

	A	B	C	D	E	F	G	H	I
1	G.A.B. Staff Assigned	User	Service Date	Warranty	Serial #				
2		GSB 511				Asset #	DT	Elite	Ultra
3	Administrative								
4	Kennedy, Kevin		Aug-13 2016	2016	CNU3179W0D	108541			1
5	Sharrie Hauge		Aug-13 2016	2016	CNU3179VLK	108544			1
6	Sharrie Hauge Coop		Dec-08 2012	2012	2CE90495FZ	102831		1	
7	Nate Judnic		Aug-13 2016	2016	CNU3179WKW	108540			1
8	Legal old		Aug-13 2016	2016	5CB32106WR	108514		1	
9	Public Viewing		Jul-09 2013	2013	2UA9220NG2	104622	1		
10	Board Room		Aug-13 2016	2016	5CB32106WX	108527		1	
11	Kubica, Sonia - Old		Aug-13 2016	2016	MXL3211F9M	108562	1		
12	Nischik, Julie OLD		Aug-13 2016	2016	MXL3211F9H	108555	1		
13	Lauth, Mike OLD		Aug-13 2016	2016	MXL3211F9N	108556	1		
14	Magney, Reid - Remote		Aug-13 2016	2016	CNU3179WLH	108542			1
15	Magney, Reid		Aug-13 2016	2016	MXL3211F9L	108561	1		
16									
17	Elections Division								
18	Jodi Kitts		Aug-13 2016	2016	5CB32106WV	108524		1	
19	Borton, Juanita		Aug-13 2016	2016	CNU3179W1G	108543			1
20	Buerger, David		Aug-13 2016	2016	5CB32106WH	108511		1	
21	Kitzman, Matthew OLD		Aug-13 2016	2016	CNU3179WJH	108538			1
22	Coakley, Allison		Aug-13 2016	2016	5CB32106WQ	108512		1	
23	Doffing, Christopher		Feb-12 2015	2015	MXL1520J3S	106643	1		
24	Christopher D extra		Jul-09 2013	2013	2CE922CV31	104697		1	
25	Webb, Jennifer		Aug-13 2016	2016	5CB32106X0	108520		1	
26	Haas, Mike		Aug-13 2016	2016	CNU3179VP8	108537			1
27	Hein, Ross		Aug-13 2016	2016	CNU3179WGD	108535			1
28	Help Desk 4		Aug-13 2016	2016	MXL3211F9Q	108558	1		
29	Help Desk Tiffany		Aug-13 2016	2016	MXL3211F9R	108559	1		
30	Hoeth, John		Aug-13 2016	2016	CNU3179W7G	108536			1
31	Sm Conf Rm		Aug-13 2016	2016	MXL3211F9J	108557	1		
32	Outside Mike's Office		Aug-13 2016	2016	5CB32106WM	108521		1	
33	Kukula, Michael		Aug-13 2016	2016	5CB32106WZ	108516		1	
34	Front Desk 2		Aug-13 2016	2016	MXL3211F9D	108563	1		
35	Lowe, Diane		Aug-13 2016	2016	5CB32106WY	108517		1	
36	Nelson, Michael		Aug-13 2016	2016	CNU3179WBS	108539			1
37	Oberle, Ann		Aug-13 2016	2016	MXL3211F9F	108554	1		
38	Oberle, Ann testing		Aug-13 2016	2016	CNU3179WD7	108534			1
39	Griffin, Marianne		Aug-13 2016	2016	5CB32106WN	108518		1	
40	Robinson, Zach		Aug-13 2016	2016	MXL32110B6	108530	1		
41	Rossman, Steve		Aug-13 2016	2016	MXL3211F9G	108553	1		
42	Rydecki, Rich		Aug-13 2016	2016	5CB32106WF	108515			1
43	Front Desk-1		Aug-13 2016	2016	MXL3211F9P	108560	1		
44	Adams, Colleen - Old cube		Aug-13 2016	2016	CNU3179WMR	108549			1
45	Tony Bridges		Aug-13 2016	2016	5CB32106WG	108526		1	
46	Thao, Mai Choua		Aug-13 2016	2016	CNU3179VBH	108550			1
47	James, Peter Old		Aug-13 2016	2016	5CB32106WK	108523		1	
48	Whitt, Sarah		Aug-13 2016	2016	CNU3179W4W	108545			1
49	Wolfe, Meagan		Oct-14 2016	2016		111352			1
50	Vacant		Aug-13 2016	2016	5CB32106WJ	108513		1	
51	Spare HD		Aug-13 2016	2016	5CB32106WS	108529		1	
52									
53	WisVote DEV								
54	Vacant		2/1/2008	2012		102342	1		
55	Vacant			2013		106506	1		
56	Matre, Megual			2013		106489	1		
57	Patel, Jigar			2013		106488	1		
58	Kader, Mohideen		Apr-12 2015	2015	2UA210086T	106725	1		
59	Vacant		Apr-12 2015	2015	2UA210086V	106726	1		
60	Vacant		Apr-12 2015	2015	2UA210086W	106727	1		
61	Patel, Jigar		Apr-12 2015	2015	2UA210086X	106728	1		
62	Yeo, James		Apr-12 2015	2015	2UA210086Y	106729	1		
63	Dornala, Kavita		Feb-13 2015	2015		107209	1		
64	Pasikanti, Kamal		Feb-13 2015	2015		107208	1		

G.A.B. IS Equipment Assignments

5/5/2016

	A	B	C	D	E	F	G	H	I
1	G.A.B. Staff Assigned	User	Service Date	Warranty	Serial #				
2		GSB 511				Asset #	DT	Elite	Ultra
65									
66	Ethics Division								
67	Kyle Kundert		Aug-13	2016	CNU3179W94	108547			1
68	Molly Nagappala	123	Aug-13	2016	CNU3179WFZ	108533			1
69	Becker, Jon	500	Aug-13	2016	CNU3179VRM	108548			1
70	Bohringer, Rich	400	Aug-13	2016	5CB32106WT	108519		1	
71	Vacant	123	Aug-13	2016	5CB32106WL	108522		1	
72	Radcliff, James	100	Aug-13	2016	5CB32106WP	108528		1	
73	Harvell, Adam	500	Aug-13	2016	5CB32106WW	108525		1	
74	Dornala, Kavita	500	Aug-13	2016	MXL3211F9K	108552	1		
75						Sub Total	21	17	15
76						53			
77									
78									

Item	Ethics	Elections	Joint	Financial	Legal	Not Defined
3-drawer Cabinet	10	2	2			
5-drawer Cabinet	8	15		10	2	1
2 door Cabinet		1	1			
Gray 3-drawer Cabinet	9	39	2	5	2	1
Board room						
Chairs			32			
6 ft Tables			4			
7.5 ft Tables			2			
8 ft Tables			2			
Refrigerator - mini						1
Viewing area chairs			4			
Front area Chairs			6			
Extra Board chairs		6	27			
Bookcases	1	2				
Gray 2-drawer Cabinet	6	7		2	1	1
Shredder - big		2				
Shredder - small		1				
Office chairs	8	38	2	3	2	2
Tables in Offices	1	2				1
Chairs in Offices for Tables	3	4		2	4	5
Small Conference Room						
Table			1			
Chairs			6			
Large Conference Room						
Table			1			
Chairs			8			
4 drawer Cabinet	3	8			1	1
Supply Cabinets			3			

Government Accountability Board Transition: Contracts

A. Agency-wide (Transfers to Both Commissions)

1. Office Space: HUM West Wilson, LP (Mullins Group)
2. Office Desktop Support/Phone Support: Department of Administration – Division of Enterprise Technology
3. G.A.B. Website Hosting (combined with contract for Elections Division Website Hosting): Cruiskeen Consulting, LLC

B. Elections Division (Transfers to Elections Commission)

1. IT Contractors (4 separate contracts renewed each fiscal year): TAPFIN
2. IT Server Hosting (WisVote, MyVote, CRS, WEDCS, Access Elections): Department of Administration – Division of Enterprise Technology
3. Bring It to the Ballot Campaign and WisVote Learning Center Website Hosting (combined with contract for G.A.B Website Hosting): Cruiskeen Consulting, LLC
4. MyVote 2.0 website development: Knupp, Watson & Wallman (KW2) and Yahara Software

C. Ethics & Accountability Division (Transfers to Ethics Commission)

1. Campaign Finance Information System (CFIS) IT development and support: PCC Technology Group
2. IT Server Hosting (CFIS, Eye on Lobbying): Department of Administration – Division of Enterprise Technology
3. IT Server Hosting and support (Eye on Financial Relationships/SEI): Webhost4Life
4. IT Contractors (1 contract renewed each fiscal year): TAPFIN

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: March 22, 2016

TO: Bruce Hoesly, Revising Attorney/Code Editor
Legislative Reference Bureau

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

SUBJECT: Administrative Rule Transition

Introduction

The Government Accountability Board (“Board”) staff has been in contact with you recently regarding the Board’s transition to two separate commissions – Elections Commission and Ethics Commission. This memorandum will outline the current Board rules, and which commission each of these rules should be transferred to effective June 30, 2016.

2015 Wis. Act 118

As you are aware, 2015 Wis. Act 118 includes the following non-statutory provision contained in § 266(6) regarding existing GAB rules:

(6) RULES, ORDERS, AND FORMAL OPINIONS. All rules promulgated and all formal opinions and orders issued by the government accountability board that are in effect on the effective date of this subsection are transferred to the elections commission and the ethics commission and shall remain in effect until the commission to which they are transferred amends or repeals a rule or order or changes or withdraws a formal opinion. The secretary of administration shall determine which rules, orders, and formal opinions are transferred to each commission.

Rule Transfers to New Commissions

The chart below lists the current GAB rule chapter, and which commission this chapter should be transferred to, with an effective date of June 30, 2016.

Current GAB Rule	Transferred to Elections or Ethics Commission
Ch. GAB 1 – Campaign Financing	Ethics Commission
Ch. GAB 2 – Election Related Petitions	Elections Commission
Ch. GAB 3 – Voter Registration	Elections Commission

Ch. GAB 6 – Procedure	Elections and Ethics Commission*
Ch. GAB 7 – Approval of Electronic Voting Equipment	Elections Commission
Ch. GAB 9 – Challenges at a Polling Place	Elections Commission
Ch. GAB 10 – Voter Identification	Elections Commission
Ch. GAB 11 – Training and Certification of Election Inspectors	Elections Commission
Ch. GAB 12 – Certification and Training of Municipal Clerks	Elections Commission
Ch. GAB 15 – Statement of Economic Interests	Ethics Commission
Ch. GAB 16 – Lobbying	Ethics Commission
Ch. GAB 20 – Complaint Procedure	Elections Commission
Ch. GAB 21 – Practice and Procedure	Elections and Ethics Commission*
Ch. GAB 25 – Forms	Ethics Commission

*Portions of these rules are applicable to both the Elections and Ethics Commissions. Transferring the entire rule to both commissions and letting the commissions then repeal the portions that do not apply seems to be the best approach with these rules. A note in the rule, indicating that a portion of the rule may not apply to the respective commission could be considered.

Naming Conventions for New Commission Rules

The current naming convention for Board rules is “Chapter GAB ____.” Rules that are transferred to the Elections Commission should be given the naming convention of “Chapter EL ____.” Rules transferred to the Ethics Commission should be given the naming convention of “Chapter ETH ____.”

Next Steps

- Legislative Reference Bureau begins the process of renumbering the rules based on the separation indicated in the chart above.
- Legislative Reference Bureau works to fix all cross-references contained in the rules.
- The Board transition team presents this memorandum and plan to the Department of Administration Transition team for inclusion into the final Implementation Plan submitted to the Joint Committee on Finance by June 1, 2016.
- Legislative Reference Bureau confirms to G.A.B. that the changes have been developed and will go into effect on June 30.

Pending Matters of the Government Accountability Board

The Government Accountability Board, its members, its director and general counsel and the elections division administrator are named in various pending lawsuits currently working their way through the court system. Below is a listing of the current cases, the named parties, the case number, court and a brief description of the subject matter. The GAB's staff counsel has been in touch with attorneys at the Wisconsin Department of Justice to inform them that the named Defendants in these lawsuits will be changed to reflect the transition to the Ethics and Elections Commission, effective June 30, 2016.

- *One Wisconsin Institute, Inc., et al., v. Judge Gerald C. Nichol, et al.*, Case No. 15-cv-324 (W. Dist. Wis., 2015)
 - Subject Matter: The case focuses deals with many aspects of election administration including absentee voting, in-person absentee voting, election observers, voter registration requirements and photo ID.
 - Transfers to Elections Commission
- *William Whitford, et al. v. Gerald Nichol, et. al.*, Case No. 15-CV-421-bbc (W. Dist. Wis., 2015)
 - Subject Matter: Current district maps
 - Transfers to Elections Commission
- *Ruthelle Frank, et al. v. Scott Walker, et al.*, Case No. 11-CV-1128 (E. Dist. Wis., 2011)
 - Subject Matter: Photo ID requirements
 - Transfers to Elections Commission
- *League of United Latin American Citizens of Wisconsin, et al. v. Judge David G. Deininger, et al.*, Case No. 12-CV-185 (E. Dist. Wis., 2012)
 - Subject Matter: Photo ID requirements
 - Transfers to Elections Commission
- *League of Women Voters of Wisconsin Education Network and Melanie Ramey v. Scott Walker, et al.*, Case No. 11 CV 4669 (Dane County Circuit Court, 2011)
 - Subject Matter: Photo ID requirements
 - Transfers to Elections Commission
- *Milwaukee Branch of the NAACP, et al., v. Scott Walker, et al.*, Case No. 11 CV 5492 (Dane County Circuit Court, 2011)
 - Subject Matter: Photo ID requirements
 - Transfers to Elections Commission

State of Wisconsin \ Government Accountability Board

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



JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Ethics and Accountability Division Program Activity Update

Campaign Finance Update

Upcoming Filing Deadlines

There is a filing deadline for committees and persons making independent expenditures on behalf of candidates for the August 9, Primary. The report of independent disbursements (ETHCF-7) must be filed within 72 hours of making independent expenditures during the 60 days prior to the Primary, in excess of \$2,500. This obligation would apply to independent expenditures made between June 10 and August 9, 2016.

All registered committees, not claiming an exemption from filing campaign finance reports, are required to file a July Continuing 2016 report by July 15, 2016. This report will cover all activity from the date of the committee's last report through June 30, 2016. Approximately 1,200 committees will be required to file this report.

All candidates at the August 9, 2016 Primary, and all committees supporting or opposing those candidates will be required to file a Pre-Primary finance report by August 1, 2016. The report will cover July 1 through July 25, 2016.

Notification of Filing Deadlines

Staff has posted a notice on the campaign finance website for all PACs, Independent Expenditure Committees, and for the public regarding the 72 hour reporting requirements beginning June 10, 2016. Staff will also be sending an email reminder to all registered PACs and Independent Expenditure Committees to remind them of this filing requirement.

Staff will be posting reminders on the campaign finance website for all committees and the public, as well as sending an email reminder June 9 to all committees, with additional reminders after July 4 to all committees that have not yet filed. Follow-up emails will be sent July 18 to all committees that failed to file the report by July 15, 2016.

Notices for the Pre-Primary Fall 2016 report will be emailed to all candidates on the August 9 Primary ballot and all PACs, Parties, Legislative Campaign Committees, and Independent Expenditure Committees on July 18, with additional reminders prior to the August 1 filing deadline.

Financial Disclosure Update

Statements of Economic Interests

The due date for annual Statements of Economic Interests was May 2, 2016. As of June 2, only 3 of over 2,300 annual filers had not yet returned their statements. By June 3rd, staff sent notices to the Secretary of DOA and the appropriate person in those agencies to withhold any compensation to the remaining officials.

Planning for New SEI System

On May 19th, Ethics Division staff spent the day reviewing the design for a new, web-based SEI system that would replace the current paper-based system and allow officials to enter their statements online. Staff has agreed on a basic structure for agency users, officials, ethics staff, and the public to access and enter information, and Kavita has begun creating the program itself.

Lobbying Update

Registration and Licensing

A small number of new principals and lobbyists continue to register, despite the Legislature concluding its final floorperiod on May 19, 2016.

Lobbyist Contribution Window Opens

Staff sent a message to all licensed lobbyists informing them that the “window” in which they are allowed to make personal campaign contributions to legislative candidates and sitting legislators running for other offices opened on May 19, 2016. Some lobbyists may have mistakenly believed that the window opened several weeks ago when the Legislature finished its final “general business” floorperiod; as usual, staff will conduct a lobbyist contribution audit next spring to determine if any contributions by lobbyists were made at improper times.

January 2016 – June 2016 Reporting Period Nears End

The January 2016 – June 2016 reporting period will conclude on June 30, 2016. Because the statutory deadline of July 31 for this period’s Statements of Lobbying Activities and Expenditures (SLAEs) falls on a Sunday this year, the deadline will be Monday, August 1, 2016.

State of Wisconsin\Government Accountability Board

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



JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9, 2016 Board 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 (April 26, 2016), the Elections Division staff has focused on the following tasks:

1. General Activities of Election Administration Staff

Elections Administration staff has been busy reviewing nomination papers and other ballot access documents filed by candidates for the fall partisan elections. The circulation period for nomination papers began on April 15, 2016 and the filing deadline was June 1, 2016. A complete report regarding this process, the number of candidates who filed, and ballot access issues will be provided with the materials for the June 10, 2016 Board meeting. Staff has also been involved in the revision of training materials for local election officials, making presentations to meetings of municipal and county clerks, and the development of MyVote Wisconsin (see below).

Board staff also facilitated an amendment to the official canvass of the 2016 Spring Election and Presidential Primary. In early May, after the G.A.B. had certified the official results, the Brown County Clerk informed the G.A.B. that there was a significant error in the results which its Board of Canvassers had certified for the Office of Supreme Court Justice. When the County Clerk's Office manually updated results from the Village of Ashwaubenon Wards 3 – 4, a typographical error resulted in 5,333 votes being recorded for Rebecca Bradley rather than 533.

The error was not detected during the County's canvass and incorrect results were certified at both the county and state level. Board staff advised that the Board of Canvassers must reconvene to review what happened and to certify the correct results for the reporting unit. The County's Board of Canvassers reconvened on May 4, 2016 and certified the corrected official results. On May 5, 2016, Board Secretary Nichol signed the amended statewide canvass to incorporate the change in the

Brown County results. The Brown County Clerk’s Office has modified its pre-canvass procedures to prevent similar errors in the future.

2. Military Election Definition

At its December 2015 meeting, the Board considered issues related to the application of two separate definitions of military electors contained in the statutes which are not entirely consistent. Based upon staff’s recommendations, the Board directed staff to apply the relevant statutes to limit the electronic transmission of ballots to individuals who qualify under the narrower definition of military elector. This would exclude members of the uniformed services who are not away from their residence due to active duty, civilians attached to a uniformed service who are serving outside the United States, Peace Corps volunteers, and spouses and dependents of any of these individuals residing with them or accompanying them.

The policy recommended by staff and adopted by the Board was a significant departure from past practice, and the Board also directed staff to ask the Legislature to incorporate one consistent definition of “military elector” into the statutes related to voter registration and voting. The Legislature did not address this issue during the remainder of the legislative session. During the development of the updated MyVote Wisconsin website, Board staff realized that implementing the new application of the statutes would create significant challenges and delays in launching the new site and likely confusion among both voters and local election officials. Many military electors have requests on file for the entire calendar year and a change in the application of the statutes mid-year would complicate the treatment of those requests.

As a result, Board staff has delayed the implementation of the Board’s motion until after the fall elections. This will also allow time to determine whether the Legislature is inclined to address the issues created by the two statutory definitions through amendments to the Statutes.

3. Voter Data Requests

The following statistics summarize voter data requests as of June 1, 2016:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2016 to date	728	409	56%	\$195,060.00
FY2015	679	418	61.56%	\$242,801.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

4. WEDCS

Board staff continues to monitor municipal and county clerk compliance with several reporting requirements following the 2016 Spring Election and Presidential Preference Vote. Pursuant to Statutes, the GAB-190F Election Administration and Voting Statistics Report was due to be entered into the Wisconsin Elections Data Collection System (WEDCS) by May 6, 2016. As of June 1, 2016, sixty-nine municipalities do not have a report entered in WEDCS.

The Election Day Registration (EDR) Postcard Statistics initial report for the 2016 Spring Primary was posted to the G.A.B. website on the statutory deadline of May 23, 2016. As of June 1, 2016, 282 municipalities do not have reports entered in WEDCS and are therefore not reflected in the G.A.B. initial report. By statute this report is to be updated monthly until there is a full accounting of all EDR postcards for the Spring Primary. Staff continues to follow up with clerks to obtain the outstanding reports.

5. The Access Elections Accessibility Compliance Program

Board staff continues to review and process accessibility audits conducted at the Spring Election and provide the completed audits to municipal clerks, along with recommendations for practical solutions to resolve accessibility issues.

On May 21, 2016, the Wisconsin Council for the Blind and Visually Impaired presented its Outstanding Public Service Award to the G.A.B. Accessibility Task Force in recognition of the agency's polling place audit program and other accessibility initiatives. Elections Division Administrator Michael Haas and Accessibility Elections Specialist Richard Rydecki attended the Council's luncheon and accepted the award on behalf of the G.A.B.

6. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information on core and special election administration training recently conducted by G.A.B. staff. Following the April Election, the training team and elections specialists are currently focusing on providing information related to the implementation of the photo identification requirement and other legislative changes for elections which will occur during the remainder of 2016, as well as lessons learned from the Spring Primary and Spring Election.

7. 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. Board staff is working more closely with other state agencies in acquiring these data sets as new legislation requires counties to submit ward, municipal, and supervisory district changes to the Legislative Technology Services Bureau (LTSB) twice a year. Acquiring data directly from LTSB greatly improves the efficiency and minimizes the burden on board staff to coordinate with the 72 different county land information offices.

Board staff continues to work with the State Agency Geospatial Information Committee (SAGIC) as well as with the Wisconsin Land Information Association (WLIA) to assist in state agency acquisition of local land information data. Board staff recently attended the annual WLIA conference to in an effort to stay apprised of the most recent changes among the land information community throughout Wisconsin as well as to improve relationship coordination in the acquisition of GIS data. Continued involvement with SAGIC as well as other land information groups throughout Wisconsin helps to facilitate and develop partnerships and more efficient data acquisition of spatial information. Accurate GIS data is essential to ensuring accurate ballot assignment within WisVote.

8. WisVote

The following new WisVote updates were put into Production since the last Board update:

- Sprint 6 was installed on April 27, 2016, and included 69 individual work items for bug fixes and improvements. Most notable was an improvement to the search capabilities in WisVote, making it easier to link an address to a voter record and to link a voter record to an absentee application.
- Sprint 7 was installed on June 2, 2016, and included 125 work items. Fixes included improvements to candidate tracking for the upcoming candidate filing deadline, as well as changes to support the Click and Mail feature on MyVote. Staff is also working on a way to verify and activate old historic addresses in WisVote that are currently inactive, based on popular demand by clerks.
- Sprint 8 is currently being developed and is scheduled to be released in late June or early July.

9. MyVote Wisconsin

Board staff continues to work with its contracted vendor to complete redevelopment of the MyVote Wisconsin website. Staff has participated in regular planning conferences with the vendor and provided feedback regarding the site's development. Staff is testing the functionality and usability of the site and preparing training materials for clerks, and will conduct a webinar regarding the new site on June 15, 2016. The scheduled launch date for the updated MyVote site is June 20, 2016, prior to the deadline for clerks to transmit absentee ballots to military and overseas voters with a request on file.

10. G.A.B. Customer Service Center

The Elections Help Desk staff is supporting over 1,900 active WisVote users, the public, and election officials. The Help Desk is maintaining the two training environments utilized in the field to facilitate remote WisVote 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 has been serving on various project teams such as the STAR project, MyVote Wisconsin and WisVote development and deployment teams and continue to maintain and update G.A.B. clerk contact and Listserve lists. Staff is processing lists of voters that registered in other states and notifying clerks of the cancellation. Staff is coordinating and assisting with upgrade projects initiated by the Department of Administration (DOA) Data Center, and administering G.A.B. Exchange email system.

Help Desk staff is creating new clerk user credentials for the WisVote system and the WisVote learning Center as clerks request access, and also assisting clerks with configuring and installing WisVote, CRM and WEDCS (GAB-190) on municipal computers. The Help Desk continued to field a variety of calls from voters and the public, candidates and political committees, lobbyists, and public officials.

	<u>G.A.B. SVRS Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call</u> <u>Volume</u> (608-266-8005)
April 15 th to 30 th , 2016	2,175	553
May, 2016	823	755
Total Calls for Reporting Period	2,998	1,308

11. Complaint Processing and Tracking

Elections Division staff has continued to process and resolve complaints related to the actions of local election officials. A status report regarding pending and resolved complaints will be included in the Board Members' meeting folders.

ATTACHMENT #1

GAB Election Division's Training Initiatives
4/27/2016 – 6/8/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
WisVote Training	<p>Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.</p>	Varies	New users of the WisVote application software.	Online	60
Other	<ul style="list-style-type: none"> • Board staff presented Voter ID Law, election administration and SVRS/WisVote status information municipal clerks attending the following district meetings: <ul style="list-style-type: none"> ○ WMCA Northern Wisconsin Clerk Training Summer Conference, May 14, 2016 in Minocqua, 140 clerks; ○ WMCA District 3 Meeting, May 19, 2016 in Black River Falls, 50 clerks; ○ WMCA District 5 Meeting in Elkhorn, 100 clerks. • Board staff updating Election Day and Election Administration Manuals. • Board staff developing 2016-2017 webinar schedule for election administration and WisVote training. 				

State of Wisconsin\Government Accountability Board

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



JUDGE VICTOR MANION
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the June 9 and June 10, 2016 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 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. Financial Services Activity

- Staff logged federal grant time worked by program, along with state project hours, then calculated and booked the first two fiscal quarter's payroll adjusting entries, to properly allocate salaries and fringe benefits between federal and state programs. Employees are also being asked to record their nomination paper processing hours worked for purposes of charging those costs to the appropriate GPR funding.
- Journal entries were prepared and booked to properly allocate monthly interest earnings and mixed server usage charges to their appropriate federal or state programs, while monthly DOA General Service Billing charges were audited prior to payments being processed.
- Financial staff are calculating and monitoring GPR salary savings from vacant and reduced positions, for purposes of fiscal year-end 2016 budget planning.

- FY17-19 biennial budget work has begun, with cost, revenue, and cash balance projections being calculated for both the state lobbying program and for the federal HAVA programs at this time.

2. Procurements

- The purchase order with Knupp, Watson & Wallman has been increased by \$29,960 to cover language updates and translations for the BringIt website.
- On-time membership dues for Electronic Registration Information Center (ERIC) in the amount of \$25,000 were processed and paid.

3. Contract Sunshine

- All agencies have certified the accuracy of their Contract Sunshine reporting for the period from January to March 2016.

4. Staffing

Currently, we are recruiting for several staff vacancies and have made significant progress in our efforts since the last Board meeting. However, there have been significant challenges in the recruitment efforts, but we continue to work on filling the vacant positions.

- The vacant attorney position for the Ethics Division has been filled. **David Buerger**, former Elections Specialist, started his appointment on May 31.
- Interviews were conducted for the WisVote Elections Specialist vacancy. **Patrick Brennan** was hired. He will begin his appointment on June 13.
- On the week of May 23, we conducted first round interviews for our vacant accountant position. The week of May 31, we conducted a second interview for the vacant accountant position. We hope to have the position filled within the next few weeks.
- Currently, we have two-vacant Elections Specialist positions that we will begin recruitments for within the next few weeks.
- Staff has had no success hiring a Financial Specialist, so we are going to convert the vacant position to an Office Management Specialist and plan to start recruitment efforts within the next month.

5. Communications Report

Since the April 26, 2016, Board meeting, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

Voter ID Public Information Campaign: Following the April 26 meeting, at which the Board authorized an emergency funding request of \$250,000 for a voter ID public

information campaign, the PIO worked with the Director and other staff to write the formal funding request to the Joint Committee on Finance. Staff met with the KW2 advertising agency in early May to develop two media plan alternatives to present to JCF as examples of how the funding could be spent. On May 10, the 13.10 funding request was delivered to the Committee. Response to the Board's request has been very positive, based on supportive statements from legislative leaders and members of the Assembly. The Governor's Office has also indicated he will support the request. As of May 31, JCF has yet to schedule its spring quarterly meeting. If the funding request is approved, the staff will present detailed recommendations to the Elections Commission for its approval, with the campaign to launch in early July.

Online: The PIO managed regular updates to the agency website and has begun building websites for the new Elections and Ethics commissions. The new websites will contain basic information about each commission and its staff, but will initially link back to the G.A.B. website for specific program information. Once the new commissions are up and running, the PIO will work with each commission's administrator and staff to build out the websites and transfer relevant information from the G.A.B. website. The old website will be maintained indefinitely as an historical document.

Media: Inquiries dropped off slightly following the Spring Election on April 5, but quickly picked up as the June 1 filing deadline for the 2016 Fall Election Cycle approached. Some reporters are interested in high-level information about the potential for primaries, while many others call with questions about candidates in specific legislative and district attorney races. In late May, several agency staff members testified in a federal court case involving election laws, which also generated media interest. Finally, Director Kennedy's retirement announcement generated several interview requests. Between April 15 and May 31, 2016 the PIO logged 90 media and general public phone calls and 115 media email contacts.

Public Records: The PIO continues to lead the agency's response to numerous public records requests received in recent months.

Other: As a member of the Transition Team, the PIO has staffed initial meetings of the new commissions and engaged in other activities supporting them.

6. Meetings and Presentations

Since the April 26, 2016 Government Accountability Board meeting the focus of the efforts of the Director and General Counsel has been primarily on the agency transition matters. On May 4, 2016, the G.A.B. staff presented an orientation for the four Elections Commissioners appointed by the legislative leaders. The orientation included a closed session discussion of the recruitment process for the Commission Administrator. On May 12, 2016 the Elections Commissioners met and announced the hiring of Mike Haas as the Elections Commission Administrator subject to a post-election review and Senate confirmation.

On May 10, 2016, Director Kennedy appeared on the Devil's Advocate radio program to discuss agency transition issues. On May 13, 2016, Director Kennedy was interviewed by Ari Berman of the Nation on recent campaign finance law changes.

From May 16, through May 26, 2016 a trial was held in the Madison federal courthouse in the case of *One Wisconsin Institute et al. v. Nichol et al.*, challenging many of them changes in election laws enacted since 2011 including voter identification requirements. Several agency staff were called as witnesses. Director Kennedy and Lead Elections Specialist Diane Lowe were called adversely by the plaintiffs on Friday, May 20. Elections Division Administrator Mike Haas, Voter Services Specialist Meagan Wolfe and Training Coordinator Allison Coakley testified for the State on Wednesday, May 25. A decision is expected in the case by the end of July according to Judge Peterson who presided over the trial.

On May 31, 2016 Ethics and Accountability Division Administrator Jon Becker retired after 26 years of state service. His work administering and enforcing the state's ethics code and lobby law as well as campaign finance regulations created a rich legacy of accountability and transparency in Wisconsin government.

Director Kennedy was interviewed by Professor Shunta Matsumoto, a visiting professor of Government and Politics at the University of Maryland on June 2, 2016. Professor Matsumoto is an Associate Professor at the Faculty of Law, Meijo University in Japan. The interview focused on the governance structure of election regulation and enforcement nationally along the Wisconsin infrastructure and the impact of recent changes.

Director Kennedy has also spent considerable time preparing for a presentation for the Wisconsin State Bar's Annual Conference in Green Bay on June 16, 2016. The panel presentation is titled: *Holding Government to Account* and will be moderated by Attorney Matt O'Neill. Judge Franke is also a participant on the panel.

On June 21, 2016 Accessibility Specialist Richard Rydecki and Director Kennedy will present "*Accessible Equipment Usage in a Post-HAVA World: A Wisconsin Case Study*" at the 2016 State Certification Testing of Voting Systems National Conference in Cambridge, Massachusetts.

On Monday, June 27 and Tuesday June 28, 2016 several agency staff will participate in the 2016 Wisconsin County Clerks Symposium in Onalaska. Director Kennedy was chosen to receive one of two *Quill Pen of Excellence Awards* from the Wisconsin County Clerks Association. The other *Quill Pen of Excellence Award* will be given to the Government Accountability Board staff. Elections Division Administrator Mike Haas, Lead Elections Specialist Diane Lowe and Training Coordinator Allison Coakley will accept the award on behalf of the agency staff.

Looking Ahead

The final Government Accountability Board meeting is scheduled for Thursday June 9 and Friday, June 10, 2016. The meeting will be held at the State Capitol beginning at 1:00 pm. on Thursday and 9:00 a.m. on Friday.