

Meeting of the Board

Monday, October 5, 2009 - 9:30 A.M.

Agenda
Open Session

Government Accountability Board Conference Room

212 East Washington Avenue, Third Floor

Madison, Wisconsin

Monday, October 5, 2009

9:30 A.M.

- A. Call to Order**
- B. Director's Report of Appropriate Meeting Notice**
- C. Approval of Minutes of Previous Meeting**
 - 1. August 10, 2009 Meeting – Open Session**
- D. Public Comment (Limit of 5 minutes per individual appearance)**

Break

- E. Status Report on Early Voting Initiative**
- F. Proposed Guidance**
 - 1. Disclaimers on Electronic Communications**
- G. Legislation**
 - 1. Summary of Recent Legislative Activity**
 - 2. Legislative Status Report**

H. Administrative Rules

- 1. GAB Chapter 5**
- 2. Status Report on Pending Administrative Rules**

I. Report on Campaign Finance Information System

J. Resolution of Ethics Division Enforcement Matters

K. Director's Report

Elections Division Report – election administration and SVRS.

Ethics and Accountability Division Report – campaign finance, state official financial disclosure, lobbying registration and reporting, contract sunshine.

Office of General Counsel Report – general administration

Break

L. Closed Session

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

The Government Accountability Board has scheduled its next meeting for Monday, November 9, 2009 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:30 a.m.

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

ITEM C

Approval of Minutes of
Previous Meeting

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

DRAFT

Not yet
approved by
the Board

Wisconsin Government Accountability Board

212 East Washington Avenue, Third Floor
Madison, Wisconsin
August 10, 2009
9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Adopted Wisconsin's 2009-2014 Election Administration Plan and directed distribution to the Joint Committee on Finance	3
B. Adopted guideline 245 regarding public service announcements	4
C. Approved promulgation of amendments to GAB 1, Campaign Finance	5
D. Approved Statement of Scope GAB 4, Election Observers	5
E. Approved promulgation of GAB 13 – Training of Election Officials	5
F. Adopted 2010 Board meeting schedule	6

Present: Judge Michael Brennan, Judge William Eich, Judge Gerald Nichol, Judge Thomas Cane, Judge Thomas Barland, and Judge Gordon Myse

Staff present: Kevin Kennedy, Jonathan Becker, Nathaniel E. Robinson, Kyle Brown, Shane Falk, Michael Haas, Barbara Hansen, David Buerger, Sharrie Hauge, Tommy Winkler, and Reid Magney

A. Call to Order

Chairperson Brennan called the meeting to order at 9:36 a.m.

B. Director's Report of Appropriate Meeting Notice

G.A.B. Director Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Approval of Minutes of Previous Meetings

MOTION: Approve the minutes of the June 22, 2009, and July 1, 2009 meetings of the Government Accountability Board. Moved by Judge Nichol moved, seconded by Judge Eich. Motion carried unanimously.

D. Public Comment

1. **State Representative Samantha Kerkman**, Genoa City, appeared on behalf of herself to comment on the Board's support of 2009 Assembly Bill 322, legislation that would allow economic interest statements to be posted on the Internet. Representative Kerkman said she does not have a problem with filling out the economic interest statement itself and having it available to the public through the current system of getting the requestor's identity. However, because of harassment she and her family have been receiving at home, she is concerned about the information being available on the Internet.
2. **Attorney Mike B. Wittenwyler** of Madison, representing himself, appeared on proposed changes to administrative regulations on conduits, GAB 1.85(7). He questioned whether the regulation applies to conduits which give money to local candidates, citing a lack of statutory authority based on a governor's veto of language in 1986.
3. **Ardis Cerny**, Pewaukee, appeared on behalf of herself to comment on the 2009-2014 Election Administration Plan. She said voter ID should be included in the plan because 60 percent of the public supports it. She said the Board should investigate technology that would allow photo ID cards of voters to be scanned at the polls, which would bring up the voter's registration information for the poll workers, which would create a "fast lane" for voters. She also asked questions about the HAVA Check Ping letters, and suggested using the Statewide Voter Registration System at the polls to check names and addresses.
4. **Mary Ann Hanson**, Brookfield, appeared on her own behalf to comment on the HAVA Check Ping letters and the 2009-2014 Election Administration Plan. She cited a Milwaukee Journal Sentinel story saying people who do not respond to the Ping letters will not lose their voting rights, and said she believes there should be consequences if letter recipients do not make an effort to contact the Board. She said she is happy to see attention given to voter integrity and fraud in the plan, as well as clarifying the definition of residency. She encouraged the Board to make that more consistent.
5. **Annette Kuglitsch**, Waukesha, appeared on her own behalf to comment on the 2009-2014 Election Administration Plan. She questioned what the role of the Wisconsin Election Administration Council (WI-EAC) was in approving or recommending the plan to the Board. She questioned why voter ID, which WI-EAC voted to include in the Plan, was not in the Final Draft Plan staff recommended to the Board. She expressed concern that making it easier for people to vote opens up the possibility of voter fraud.
6. **John Washburn**, Germantown, appeared on his own behalf to comment on the 2009-2014 Election Administration Plan and compliance with Chapters 6 and 7 of Wisconsin

state statutes. He said election officials who do not comply with election laws should be prosecuted, and complained that past complaints he's filed have "fallen into a black hole."

7. **Beverly Maddrell**, Madison, appeared on her own behalf to comment on the 2009-2014 Election Administration Plan, and about voter fraud. She expressed a concern about the cost of the Plan to taxpayers and to municipalities. She commended the staff for considerable changes to the Plan about addressing voter fraud, but criticized the omission of voter ID from the plan.
8. **Clerk Diane Hermann-Brown**, Sun Prairie, appeared on behalf of the City of Sun Prairie and the Wisconsin Municipal Clerks Association to comment on the 2009-2014 Election Administration Plan. She said the Plan being proposed is a living, adaptable Plan, which will help clerks administer elections. She cautioned that elements of the Plan not become unfunded mandates, and reminded the Board that local clerks wear many hats, and do not always have enough time for election administration.
9. **Gina Gretsch**, Delafield, appeared on behalf of the City of Delafield and the Wisconsin Municipal Clerks Association to comment on the 2009-2014 Election Administration Plan. She said the Board needs to keep in mind the great diversity of clerks and election resources across the state when it considers election-related changes, and that some polling places do not have electricity and running water, not to mention Internet access. She also mentioned the issue of unfunded mandates, and said she is opposed to punishing clerks for failure to do certain things when they do not have adequate funding.
10. **Richard Stadelman**, Shawano, appeared on behalf of the Wisconsin Towns Association to comment on the 2009-2014 Election Administration Plan. He said Wisconsin's system of municipal-based elections enhances voter turnout, and that proximity to the polling place is just as important as handicapped accessibility. He called the Plan a blueprint for the future, but does not believe every single goal in the Plan is achievable because of costs and balancing priorities. He also said that clerks favor voter ID requirements because they feel responsible for the integrity of the election.

Chairman Brennan called a recess at 12:18 p.m.

E. Proposed State Election Administration Plan
(Presented by Nathaniel E. Robinson and David Buerger)

Nathaniel E. Robinson made a presentation to the Board on Wisconsin's 2009-2014 Election Administration Plan. He outlined the genesis of the Plan, starting with requests from electors, clerks and local officials for changes in the way Wisconsin conducts elections. The Plan came together starting April 16 with a meeting of the Wisconsin Election Administration Council ("WI-EAC"), from which staff developed a draft plan, reviewed by WI-EAC on June 17. On June 22 the Board instructed staff to submit the draft plan to the Legislature and the public for a 30-day comment period. Staff met with 15 of the 16 members of the Joint Committee on Finance. WI-EAC met again July 28 to

review public comments and make a recommendation to the Board. Nat Robinson explained one of WI-EAC's recommendations, to include the study of Voter ID, was not included in the final plan because it is something the Legislature has already passed three times, and which the Governor has vetoed three times. The voter ID issue is an old issue. The 2009-2014 Election Administration Plan is about going forward. It focuses on new initiatives and reforms that have a high probability of strategically improving and advancing election administration in Wisconsin.

Discussion.

MOTION: To amend that portion of the Plan on pages 13 and 14 to say that "in studying the methodologies to increase voter access, we must study the security provisions each would entail." Moved by Judge Myse, seconded by Judge Barland. Motion carried unanimously.

MOTION: To accept the proposed Plan, subject to amendments in writing and made today. Moved by Judge Myse, seconded by Judge Eich.

Discussion.

AMENDMENT: To indicate in the cover letter that the Board considered Voter ID and decided not to include it in the Plan because it is not an appropriate use of Help America Vote Act funds, and it is a policy decision that is in the province of the Legislature. Moved by Judge Cane, accepted as friendly amendment by Judge Myse and Judge Eich.

MOTION: To accept the proposed Plan, subject to amendments in writing and made today, and direct that the cover letter indicate consideration of Voter ID and the Board's decision not to include it in the Plan because it is not appropriate for HAVA funding, and it is a policy decision that is in the province of the Legislature. Motion carried unanimously.

F. Proposed Guidelines

(Presented by Jonathan Becker)

Jonathan Becker updated the Board on four proposed guidelines the staff has been working on: Charitable solicitations, GAB 231; Public service announcements, GAB 245; Campaign fundraising, GAB 249; and Campaign contributions, GAB 250. He asked the Board to adopt one of the guidelines today, GAB 245.

MOTION: To adopt GAB 245, guidelines for public service announcements. Moved by Judge Nichol, second by Judge Myse.

MOTION: To amend GAB 245 to provide that beginning on the day for circulating nomination papers for an election for a governmental office for which a state official may be a candidate, the official should not permit the use of his or her name or image or office

in a “public service announcement.” Moved by Judge Myse, seconded by Judge Eich. Motion to amend and adopt as amended carried unanimously.

G. Legislation

1. Legislative Status Report (Presented by Kevin J. Kennedy)

Kevin Kennedy led a discussion about a legislative proposal that would allow Economic Interest Statements to be posted online, along with other legislative proposals. No action was taken by the Board.

H. Administrative Rules

(Presented by Shane Falk and Mike Haas)

1. Status Report on Administrative Rule Defining Scope of Regulated Activity, GAB 1.28 (Issue Ad Regulation)

Shane Falk updated the Board on the status of a U.S. Supreme Court case (Citizens United v. FEC) on this issue and the potential impact of the case on the G.A.B.’s proposed rule.

2. GAB Chapter 1, Campaign Finance - Scope Statement for Proposed Corrections

Shane Falk discussed the proposed changes, and noted that they do not include conduits and local committees, which will come back to the Board at a later time.

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a), 227/135, 227/14(4m), 227.15(1), and 227.16-17, Wis. Stats., the Board formally approve the attached Statement of Scope, Notice of Proposed Order Adopting Rule, Notice of Submittal to Legislative Council Clearinghouse, and Notice of Hearing for revisions to Chapter GAB 1, Wis. Adm. Code, and directs staff to proceed with promulgation of the rules. And staff shall take all other steps necessary to complete promulgation of the rules revising Chapter GAB 1, Wis. Adm. Code. Moved by Judge Cane, second by Nichol. Motion carried unanimously.

3. GAB Chapter 4, Election Observers, Scope Statement

Mike Haas discussed the rule on election observers, which formalizes an emergency rule put into place for the 2008 elections.

MOTION: Pursuant to §§5.05(1)(f) and 227.11(2), Wis. Stats., the Board formally approves the attached Statement of Scope, and directs staff to proceed with promulgation of the repeal and recreation of GAB 4. Moved by Judge Nichols, second by Myse. Motion carried unanimously.

4. GAB Chapter 22 – Proposed Settlement Offer Schedule

Shane Falk updated the Board on a public hearing held July 28, at which none of the four people attending offered comments on the proposed rule. No action required.

5. GAB Chapter 13 – Training of Election Officials

Mike Haas discussed the rule, which specifies the training requirements for election inspectors and special voting deputies. The rule will be adopted 30 days following publication unless there is a petition for a public hearing.

MOTION: Pursuant to §§5.05(1)(f) and 227.11(2)(a), Wis. Stats., the Board formally approves the attached Notice of Proposed Rule, and direct staff to proceed with the promulgation of GAB 13. Moved by Judge Myse, second by Judge Eich. Motion carried unanimously.

6. Status Report on Pending Administrative Rules

Shane Falk informed the Board that summer legal clerk Kyle Brown has been instrumental in helping to reduce the backlog of work related to administrative rule revisions.

Chairperson Brennan said he thinks Brown's work has been top notch. The Board concurred and directed that its appreciation be noted in the minutes.

I. Report on July Continuing Report Campaign Finance Filings

Written report was included in Board packet. Given time constraints, an oral presentation was not given.

J. Director's Report

Elections Division Report – election administration

Written report from Nathaniel E. Robinson was included in Board packet. Given time constraints, an oral presentation was not given.

Ethics and Accountability Division Report – campaign finance, state official financial disclosure, lobbying registration and reporting, contract sunshine

Written report from Jonathan Becker was included in Board packet. Given time constraints, an oral presentation was not given.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy and Sharrie Hauge was included in Board packet. Given time constraints, an oral presentation was not given.

K. Proposed 2010 Board Meeting Schedule

Kevin Kennedy asked the Board whether it wanted to approve the 2010 meeting schedule this month. There was discussion about whether to have some two-day meetings to allow for greater discussion of issues.

MOTION: To accept the proposed schedule of meetings for 2010. Moved by Judge Myse, second by Judge Eich. Motion carried unanimously.

J. Closed Session

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

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation and consider performance evaluation data of a public employee of the Board. Moved by Judge Cane, seconded by Judge Eich.

Roll call vote: Brennan:	Aye	Cane:	Aye
Eich:	Aye	Barland:	Aye
Myse:	Aye	Nichol:	Aye

Motion carried.

Hearing no objection, the Chairman called a recess at 2:50 p.m. The Board reconvened in closed session beginning at 3:10 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Requests for Advice: Three matters considered; one formal opinion issued.
- B. Investigations: Eleven pending matters considered; five closed; two settlement offers authorized.
- C. Eight campaign finance matters considered.

####

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m. Monday, October 5, 2009 in the G.A.B. Conference Room, Third Floor, 212 East Washington Avenue, Madison, Wisconsin.

August 10, 2009 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

August 14, 2009

August 10, 2009 Government Accountability Board meeting minutes certified by:

Judge Gerald Nichol, Board Secretary

Oct. 5, 2009

ITEM E

Status Report on Early Voting Initiative

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the October 5, 2009, Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Edward Edney and Adam Harvell
Statewide Voter Registration System Application Trainers

SUBJECT: Status Update on the Examination of Early Voting in Wisconsin

Background

Following the November 4, 2008 General and Presidential Election, Board staff received complaints from voters, elected officials, and election administrators, as well as critical editorials, on the inefficiencies experienced with in-person absentee voting. In particular, election administrators felt overwhelmed with managing in-person absentee applications and ballot logs before Election Day, while voters complained of long lines at in-person absentee voting sites. In addition, municipalities complained that in-person absentee envelopes caused delays in counting absentee ballots on Election Day.

As a result of these inefficiencies experienced with in-person absentee voting, the staff were assigned to investigate early voting as a possible remedy. This investigation resulted in an in-depth analysis titled, "An Examination of Early Voting in Wisconsin," which reported on the best practices and impacts of early voting in states where it was already adopted. The analysis also contained three general proposals for how Wisconsin might implement early voting while retaining its traditions of same day voter registration and municipal control of elections.

On March 31, 2009, the Board accepted staff's analysis and authorize staff to conduct a series of listening sessions throughout the state for the purpose of to gauging the opinion of the public, municipal clerks and county clerks on early voting.

Early Voting: Listening Sessions

Between July 7, 2009 and August 13, 2009, staff conducted nine listening sessions on the examination of early voting in Wisconsin. Approximately 500 clerks and members of the public attended the sessions. The first listening session was held in Fitchburg, followed by La Crosse, Kenosha, West Allis, Wausau, Green Bay, Washington, Rice Lake, and Washburn.

Each listening session, with the exception of Rice Lake, was composed of two separate meetings, one for clerks and one for the public.

At the listening sessions, clerks and the public were asked to share their comments and complete a survey on early voting and the proposals for implementing it in Wisconsin. All comments from the listening sessions were recorded and posted on the GAB website at: <http://elections.state.wi.us/>. In addition to conducting the listening sessions, staff also meet with the League of Women Voters (May 29 and 30, 2009), the Wisconsin County Clerk Association (June 23, 2009), the Statewide Voter Registration System Standards Committee (July 9, 2009); the Milwaukee Area Labor Council (August 19, 2009), as well as attended the Municipal Clerks' Convention (August 20, 2009).

Early Voting: Next Steps

At the Board's November 9, 2009, meeting, staff will present a final analysis on the examination of early voting in Wisconsin initiative to the Board. The report will be posted on the G.A.B. website for review around October 15, 2009.

All comments and feedback on the report should be sent to Board staff by Monday, November 2, 2009. The report will summarize the opinions of clerks and the public on early voting, and suggest what early voting proposals, if any, would make sense for Wisconsin at this time. Some specific points the final report will address are:

1. Whether there is a need to adopt early voting in Wisconsin,
2. The costs for adopting early voting to municipal governments,
3. Policy questions for the state to consider if it were to adopt early voting,
4. Best approaches for implementing early voting that would retain the traditions of same day voter registration and municipal control of elections;
5. Best approaches for streamlining in-person absentee voting that would resolve the inefficiencies experienced in the November 2008 Presidential Election.

In addition, the final report will outline the parameters for a pilot program to help plan for a possible statewide early voting implementation. Also, the report will include staff recommendations to the Board and may range from adopting some form of early voting, improving the current in-person absentee voting procedure to making no change at all. Staff recommendations will be submitted for consideration by the Board at its November 9, 2009, meeting.

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

Options for Adopting Early Voting

The following are some early voting options drawn from the listening sessions that will be further explored in the final early voting report:

- Allow municipalities to opt into early voting for certain elections.
- Mandate early voting to only those municipalities of a certain population size.
- Make early voting available to only those electors who register by the end of the normal registration period.
- Reduce and limit the days to early vote within a municipality.
- Allow municipalities to decide the number of days to vote.
- Coincide early voting with in-person absentee voting.

Options for Streamlining Current Absentee Voting Process

The following are some options for streamlining in-person absentee voting drawn from the listening sessions that will be further explored in the final early voting report:

- Provide additional time for receiving and processing absentee ballots in the municipal clerk's office. In particular, move up the absentee voting deadline to the Thursday or Friday before the election.
- Provide additional locations for in-person absentee voting outside the municipal clerk's office.
- Simplify the written application.
- Eliminate the certificate envelope.
- Eliminate witness requirements for in-person absentee voting.
- Allow a facsimile or email signature on an absentee ballot request, and eliminate the requirement to receive an original application with an original signature in order for the ballot to be counted.
- Expand the opportunity for all electors, with one request, to receive ballots automatically for all elections for which they are eligible to vote.
- Expand the opportunity for all electors, with one request, to receive ballots automatically for all elections for which they are eligible to vote.

ITEM F

Proposed Guidance

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Internet Attributions of Political Communications and Use of Computers

Introduction:

This Memorandum examines application of the requirement that political communications disclose their source to internet based communications. Multiple registrants have requested clarification and guidance regarding attributions for internet-based political communications. Staff recommends that the Board address these issues through issuance of a guideline. Staff will draft and circulate a proposed guideline covering these issues and will return to the Board with a final version for consideration and action.

Recommended Motion

The Board direct staff to develop a guideline for comment and further consideration by the Board addressing identification and reporting requirements for electronic communications and the use of electronic technology for political purposes.

Unique Characteristics and Uses of the Internet

On March 27, 2006, the Federal Election Commission adopted regulations addressing the unique characteristics and uses of the internet as it relates to political communications. In its rules transmittal report to Congress, the FEC was able to identify some important characteristics and uses of the internet that impact the ability and feasibility of regulation in this area. Noting that the internet has a number of unique characteristics that distinguish it from traditional forms of mass communication, the FEC emphasized that unlike television, radio, newspapers, magazines, or even billboards, the internet can hardly be considered a scarce expressive commodity. In fact, the internet provides relatively unlimited, low-cost capacity for communication of all kinds.

A computer and an internet connection can turn anyone into a publisher and permits addressing a mass geographically widespread audience at very little cost. The FEC noted that the near infinite capacity, diversity, and low cost of publication and access has democratized the mass distribution of information, especially in the political context, which has created the most accessible marketplace of ideas in history. Unlike television, radio, newspapers or magazines which can only provide a very limited amount of space or time free of charge, the internet has allowed bloggers to publish every message submitted by readers. The internet also differs from traditional forms of mass communication because people must generally be proactive in order to access information on a website, whereas people receive information from other forms of mass communication in a passive way, i.e. the instant a television or radio is turned on. The FEC adopted a conclusion that the internet is not as invasive as communications made through traditional media.

The FEC opted to narrow the scope and impact of any regulation of internet activity and establish bright-line regulations to delineate any restricted activity in order to avoid chilling political participation and speech on the internet. The FEC took notice that the number of Americans using the internet as a source of campaign news more than doubled between 2000 and 2004, from 30 million to 63 million. In addition, individuals took advantage of the low cost of internet communication to take active roles in supporting policies and candidates. The FEC acknowledged the potential for a chilling effect on the free exchange of information and opinions through the internet, if any regulations were overly burdensome and costly.

Wisconsin Law and Administrative Rules

Wisconsin requires attribution of political contributions, disbursements and communications. The relevant portions of §11.30, Wis. Stats., provides:

11.30 Attribution of political contributions, disbursements and communications.

(1) No disbursement may be made or obligation incurred anonymously, and no contribution or disbursement may be made or obligation incurred in a fictitious name or by one person or organization in the name of another for any political purpose.

(2) (a) The source of every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement or other communication which is paid for by or through any contribution, disbursement or incurred obligation shall clearly appear thereon. This paragraph does not apply to communications for which reporting is not required under s. 11.06 (2).

(b) Every such communication the cost of which is paid for or reimbursed by a committee or group, or for which a committee or group assumes responsibility, whether by the acceptance of a contribution or by the making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the committee or group making the payment or reimbursement or assuming responsibility for the communication and the name of the treasurer or other authorized agent of such committee or group.

(c) Every such communication which is directly paid for or reimbursed by an individual, including a candidate without a personal campaign committee who is serving as his or her own treasurer, or for which an individual assumes responsibility, whether by the acceptance of a contribution or by the making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the candidate or other

individual making the payment or reimbursement or assuming responsibility for the communication. No abbreviation may be used in identifying the name of a committee or group under this paragraph.

(d) In addition to the requirements of pars. (a) to (c), a committee or individual required to file an oath under s. 11.06 (7) shall also in every communication in support of or in opposition to any clearly identified candidate or candidates include the words "Not authorized by any candidate or candidate's agent or committee".

(e) Communications under this section by a personal campaign committee may identify the committee or any bona fide subcommittee thereof.

(em) The source of each printed advertisement, billboard, handbill, paid television or radio advertisement or other communication made for the purpose of influencing the recall from or retention in office of an individual holding a state or local office shall clearly appear thereon in the manner prescribed in pars. (b) and (c).

(f) This subsection does not apply to the preparation and transmittal of personal correspondence or the production, wearing or display of a single personal item which is not reproduced or manufactured by machine or other equipment for sale or distribution to more than one individual.

(fm) This subsection does not apply to communications printed on pins, buttons, pens, balloons, nail files and similar small items on which the information required by this subsection cannot be conveniently printed. The board may, by rule, specify small items not mentioned in this paragraph to which this subsection shall not apply.

(g) This subsection does not apply to nonadvertising material contained in a regularly published newsletter by an organization which is expressing its political views with respect to elections which are of concern to its membership, provided that distribution of such newsletter is restricted to such membership.

(h) Notwithstanding par. (a), the attributions required by this subsection in written communications shall be readable, legible and readily accessible.

(hm) Notwithstanding pars. (a) to (c), any communication making a solicitation on behalf of more than one candidate for a joint fund raising effort or program pursuant to an escrow agreement under s. 11.16 (5) may omit the names of the candidates or personal campaign committees assuming responsibility for the communication if the communication discloses that a joint fund raising effort or program is being conducted on behalf of named candidates.

(i) No person may publish or disseminate, or cause to be published or disseminated any communication in violation of this subsection. A communications medium which in good faith relies on the representations of any person who places an advertisement with such medium as to the applicability of this subsection to such person does not violate this paragraph as a result of publication or dissemination of that advertisement based on such representations, provided that the representations are reasonable.

The Wisconsin Administrative Code GAB 1.655 further clarifies §11.30, Wis. Stats., and contains a catchall provision that covers "any other form of communication that may be utilized by a registrant for the purpose of influencing the election or nomination of any

individual to state or local office or for the purpose of influencing a particular vote at a referendum.” The following is GAB 1.655, Wis. Adm. Code, in its entirety:

GAB 1.655 Identification of the source of communications paid for with money raised for political purposes.

(1) Definitions: as used in this rule:

(a) "Bona fide poll" means a poll which is conducted for the purpose of identifying, or collecting data on, voter attitudes and preferences and not for the purpose of expressly advocating the election, defeat, recall or retention of a clearly identified candidate or a particular vote at a referendum.

(b) "Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, and any other form of communication that may be utilized by a registrant for the purpose of influencing the election or nomination of any individual to state or local office or for the purpose of influencing a particular vote at a referendum.

(bm) "Political party" has the meaning provided in s. 5.02 (13), Stats.

(c) "Political purpose" has the meaning provided in s. 11.01 (16), Stats.

(d) "Registrant" has the meaning provided in s. 11.01 (18m), Stats.

(e) "Source" means the individual who, or committee which, pays for, or the individual who takes responsibility for, a communication that is required, by s. 11.30, Stats., to be identified.

(2) Pursuant to s. 11.30 (2) (a), Stats., any communication paid for with money that has been raised for political purposes must identify the source of that communication, subject to the following exceptions:

(a) The source identification requirements of s. 11.30, Stats., do not apply to communications paid for by an individual who, or a committee which, is not subject to the registration requirements of s. 11.05, Stats.

(b) A bona fide poll or survey under s. 11.30 (5), Stats., concerning the support for or opposition to a candidate, political party, referendum or a position on issues, may be conducted without source identification unless the person being polled requests such information. If requested, the person conducting the poll shall disclose the name and address of the person making payment for the poll and, in the case of a registrant under s. 11.05, Stats., the name of the treasurer or the person making the payment.

(c) Incidental administrative communications need not identify their source if such communications are singular in nature and are not intended to communicate a political message.

(d) Communications for which reporting is not required under s. 11.06 (2), Stats., are not required to identify their source.

(3) When making communications requiring source identification, disclosure is not required to be made at any particular place within or time during the communication. In the case of telephone calls, or other audio communications, the required disclosure may be made at any time prior to the end of the call or other communication.

(4) A registrant who conducts a bona fide poll must report the expense of conducting the poll on its campaign finance reports, whether or not the registrant is required to identify the source of that poll under s. 11.30 (5), Stats., and this rule.

(5) If a political party makes a communication supporting the election of more than one candidate, the source identification for that communication shall be as follows: "Paid for by the (name of party) Party as an in-kind contribution to the candidates named."

History: *Cr. Register, September, 1996, No. 489, eff. 10-1-96; cr. (1) (bm) and (5), Register, April, 1998, No. 508, eff. 5-1-98.*

Federal Election Commission Rules

The FEC adopted rules establishing the bright-line that paid advertisements on the internet were included in the definition of "public communication" and therefore subject to regulation including the requirement to include attributions in such communications. This revised definition of "public communication" includes paid political advertisements placed on another's website, but does not encompass any other form of internet communication.

11 CFR §100.26 defines "public communication" as follows: *public communication* means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public or any other form of general public political advertising. The term *general public political advertising* shall not include communications over the internet, except for communications placed for a fee on another person's web site.

11 CFR §100.11(a)(1-4) specifies the scope of the communications which must include disclaimers as follows:

- 1) All public communications, as defined in 11 CFR 100.26, made by a political committee; electronic mail of more than 500 substantially similar communications when sent by a political committee; and all internet websites of political committees available to the general public.
- 2) All public communications, as defined in 11 CFR 100.26, by any person that expressly advocate the election or defeat of a clearly identified candidate.
- 3) All public communications, as defined in 11 CFR 100.26, by any person that solicit any contribution.
- 4) All electioneering communications by any person.

To clarify these rules, the FEC stated the following in its rules transmittal report to Congress:

"Under this rule, when someone such as an individual, political committee, labor organization or corporation pays a fee to place a banner, video, or pop-up ad on another person's website, the person paying makes a public communication. Accordingly, the final rule is largely the same as the proposed rule. While no other form of Internet communication is included in the definition of "public communication," the placement

of advertising on another person’s website for a fee includes all potential forms of advertising, such as banner advertisements, streaming video, pop-up advertisements, and directed search results.”

The FEC rules do identify several exceptions to the disclaimer requirement. The three specified exceptions are found in 11 CFR 100.11(f)(1)(i-iii):

- i) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be conveniently printed;
- ii) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that inclusion of the disclaimer would be impracticable; or
- iii) Checks, receipts, and similar items of minimal value that are used for purely administrative purposes and do not contain a political message.

The FEC rules also set forth limitations on reportable internet activities. The FEC adopted 11 CFR §100.155 which provides:

§ 100.155 Uncompensated Internet activity by individuals that is not an expenditure.

(a) When an individual or a group of individuals, acting independently or in coordination with any candidate, authorized committee, or political party committee, engages in Internet activities for the purpose of influencing a Federal election, neither of the following is an expenditure by that individual or group of individuals:

- (1) The individual’s uncompensated personal services related to such Internet activities;
- (2) The individual’s use of equipment or services for uncompensated Internet activities, regardless of who owns the equipment and services.

(b) *Internet activities.* For the purposes of this section, the term “Internet activities” includes, but is not limited to: Sending or forwarding electronic messages; providing a hyperlink or other direct access to another person’s website; blogging; creating maintaining or hosting a website; paying a nominal fee for the use of another person’s website; and any other form of communication distributed over the Internet.

(c) *Equipment and services.* For the purposes of this section, the term “equipment and services” includes, but is not limited to: Computers, software, Internet domain names, Internet Service Providers (ISP), and any other technology that is used to provide access to or use of the Internet.

(d) Paragraph (a) of this section also applies to any corporation that is wholly owned by one or more individuals, that engages primarily in Internet activities, and that does not derive a substantial portion of its revenues from sources other than income from its Internet activities.

(e) This section does not exempt from the definition of expenditure:

- (1) Any payment for a public communication (as defined in 11 CFR 100.26) other than a nominal fee;

(2) Any payment for the purchase or rental of an e-mail address list made at the direction of a political committee; or

(3) Any payment for an e-mail address list that is transferred to a political committee.

[71 FR 18613, Apr. 12, 2006]

In two Matters Under Review (MUR.) Nos. 5928 and 5853, the FEC opined that blogs fall within the media exemption and are therefore not subject to federal regulation.

In addition, the FEC specifically and purposely excluded content placed by a State, district, or local party committee on its own website from the definition of “public communication.” In its rules transmittal report to Congress, the FEC noted that the record in its rulemaking demonstrated that State, district, and local party committees generally use their websites to promote a variety of party policies and candidates, and that these websites were not predominantly focused on Federal elections. Furthermore, given the ease of adding new Web pages to a website or altering the content of existing Web pages, both the number of Web pages within a website and the content of those pages change frequently, sometimes daily or even hourly. For example, a Federal candidate might be featured on a hyperlink from the home page of a State party committee website one day, but that hyperlink may be removed the next day as the party committee replaces it with a more current story. The FEC determined that a political party committee’s website cannot be a form of “public communication” any more than a website of an individual can be a form of “public communication.” In each case, the website is controlled by the speaker, the content is viewed by an audience that sought it out, and the speaker is not required to pay a fee to place a message on a website controlled by another person.

Florida Example

Florida has a statute defining “electioneering communications” very broadly and which was recently struck down by a Federal District Court on May 22, 2009. The Florida Elections Commission sought to apply the broad electioneering communications statute in such a way as to bring Google limited-character political ads within its regulatory purview. The Florida Elections Commission imposed a \$250.00 fine against a mayoral candidate who did not include a disclaimer in ads that appear during Google searches. The ads are limited to 68 characters and provide a link to the mayoral candidate’s web site, which does have a disclaimer. The mayoral candidate claimed that the disclaimer requirement is unreasonable, especially in the context of Florida’s broad “electioneering communications” statute. In response to this enforcement action, HB 67 has been introduced in the Florida legislature, which seeks to exclude from disclaimer requirements any “link on an internet web page, regardless of the source of that link and the manner of its display, which directs the user to another internet web page that provides a political advertisement.” The Florida Elections Commission has not yet started a court action regarding the mayoral candidate and HB 67 has not progressed past its introduction to the legislature.

Practical Wisconsin Examples

- 1) Facebook: Several Wisconsin candidates have established Facebook web sites. Facebook is a free social networking internet based web site and group. While a candidate does not have to pay anything to have the site, paid campaign staff may

administer the site. The site usually contains a political banner and other campaign material. People must locate the site and request membership in order to join. Once a person joins, that person becomes a “friend” and receives notifications of posts to the candidate’s site. Posts can include comments, links to other campaign materials or information, photos, and notifications of upcoming campaign events or appearances. In addition, the site allows for the candidate or staff to email “friends” in the group and also post comments to the “wall” of the candidate’s site. Since the email system operates fully within Facebook, there is no way to customize a signature such that a disclaimer could be automatically included in every email. In addition, the “wall” posts are limited in character number and do not provide a reasonable opportunity for an attribution. However, the home or profile page of the candidate site does provide a reasonable location for posting an attribution.

In addition to an individual page, Facebook offers the opportunity for a “group” page. It has all the same functionality of an individual page, but adds a discussion board. The home page or profile does offer a reasonable opportunity to post an attribution; however, as with the individual page, attributions are difficult on emails, wall posts, and other notifications.

- 2) Twitter: Several Wisconsin candidates have established a Twitter site, which operates much the same as Facebook. A candidate establishes a site and invites “followers.” The site usually contains a standard political banner. In addition, the candidate or staff is able to post comments to the site, including links to other campaign material or information. The posts are limited in character number and do not provide reasonable opportunity for an attribution. However, the home or profile page of the candidate does provide a reasonable location for posting an attribution.
- 3) YouTube: Several Wisconsin candidates have established a YouTube site, which operates slightly different than both Facebook and Twitter. YouTube allows a candidate to post full high resolution videos and advertisements. A candidate may have “friends” and “subscribers” to his or her YouTube page. In addition, people can post comments to the candidate’s page. The home page does provide ample opportunity for an attribution, as would videos that were posted to the site.
- 4) Flickr: Several Wisconsin candidates have established a Flickr site, which operates slightly different than all the aforementioned social networking sites. Flickr allows a candidate to post photos and have slightly more limited opportunity for written campaign materials. The home or profile page of the candidate does provide a reasonable location for posting an attribution.
- 5) LinkedIn: Several Wisconsin candidates have established a LinkedIn site, which primarily operates as a detailed address book. A candidate may have multiple “connections” to other people with LinkedIn sites. The home page can include some campaign material and a photo. The home or profile page of the candidate does provide a reasonable location for posting an attribution.
- 6) MySpace: At least one Wisconsin official has a MySpace site, which operates very much like Facebook, allowing communications between friends and instant messages. A MySpace site also allows posting videos and photos. Finally, the MySpace site may also have links to blogs. Similar to Facebook, the home page or profile does provide a reasonable location for posting an attribution, but emails and instant messages may not provide a reasonable opportunity for an attribution.

- 7) Facebook advertisements: Facebook sells advertising and a candidate can obtain a small tile ad that will show up at the right of the page. There is a fee for this and the candidate can enter settings for the frequency of the ad, when it appears, and the style of the ad. However, the space available for an ad is small and characters limited in number. Every ad staff has seen has not included an attribution.
- 8) Google advertisements: Similar to Facebook, Google sells tile ads that appear when someone conducts a search, but they can also appear on other web sites. There is a fee for this and the candidate can enter settings for frequency of the ad, when it appears, and the style of the ad. However, space available for an ad is small and characters limited in number. Every ad staff has seen does not include an attribution.
- 9) Political Party Web Site advertisements: Several Wisconsin candidates have had larger ads appear on their state political party's web site, without an attribution. Staff is not aware of whether the state political party charged the candidates for the ads, or if the ads were no cost party building/news postings of a limited duration.
- 10) Political screen savers for computers or cursors: Several candidates have inquired whether it was necessary to have an attribution on smaller computer screen items, like screen savers or cursors that were political in nature and supportive of their campaign.
- 11) Hyperlinks: Hyperlinks are web url addresses that are embedded in an article, an advertisement, a web site, or document. When an individual clicks his or her cursor on the hyperlink, it transfers the web browser to that web site. Often candidates, committees, or other entities embed hyperlinks to political web sites in advertisements, documents, political party materials, etc. The individual or committee sponsoring the hyperlink, and the web site to which internet traffic is directed, may not be apparent. The hyperlink could be identified by the particular political committee's name which could provide some notice, but that is not required. Most often, the web site to which the internet user is directed contains solicitations of a contribution or service for a political purpose. Staff has not seen a hyperlink that possessed an attribution.
- 12) Volunteer and Paid Staff Use of Computers and Electronic Communication of Political Messages: Several people have requested that the Government Accountability Board adopt a policy similar to that of the FEC with respect to the use of computers and electronic communication by campaign volunteers. In short, the FEC specifically excludes regulation of a volunteer's individual use of a campaign computer or his or her individual computer to make electronic political communications. This exemption covers the following internet activities by campaign volunteers: Sending or forwarding electronic messages; providing a hyperlink or other direct access to another person's website; blogging; creating maintaining or hosting a website; paying a nominal fee for the use of another person's website; and any other form of communication distributed over the Internet. This exemption applies regardless of whether the volunteer is coordinating with a campaign or acting independently. Under the FEC rules, only paid campaign staffers' electronic political communications are subject to regulation and even that is limited to mass emails of 500 or more before an attribution is required.
- 13) Blogging: The FEC also excludes blogging from regulation. The FEC has ruled that blogging falls within the media exception to application of Federal campaign finance regulation. Several people have asked the Government Accountability Board to take the same position.

ITEM G

Legislation

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009 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
Jonathan Becker Ethics and Accountability Division Administrator
David Buerger, Elections Specialist

SUBJECT: Significant Legislative Activity

Introduction

The Legislative Status Report provides a tracking of the key pieces of legislation monitored by the agency staff. This memorandum discusses recent legislative activity on items of particular note for the agency.

2009 Assembly Bill 322

Representative Spencer Black introduced Assembly Bill 322, which would delete the requirement that an individual identify himself or herself in order to examine a Statement of Economic Interests (SEI), in June 2009. Passage of the bill would enable the Government Accountability Board to post SEIs on our website. The bill has now been reported out of the Assembly Committee on the Judiciary and Ethics with two amendments.

The subject matter of both amendments was presented to the Board by Legislators at its August 10, 2009 meeting. One amendment would prohibit the Board from posting on the Internet any information related to the customers of an official's business or the address of income-producing Wisconsin real estate owned by a state public official. The second amendment would provide that information about real property used for residential purposes by an official who is a judge or the judge's spouse is not subject to public disclosure at all.

The first amendment would require that information currently on display in our on-line index be removed. This would significantly lessen the ability of citizens to identify potential conflicts of

individuals associated with specific governmental bodies. The second amendment does not pose any significant problem for the agency.

2009 Assembly Bill 330

This legislation was introduced by Representative Robert Turner following discussion with agency staff after the 2008 Presidential election. A number of legislators received complaints from voters residing overseas about the difficulty of securing an adult U.S. citizen to witness their absentee ballot certificate. This legislation eliminated the witness requirement for military and overseas voters.

This is also one of the key components of the legislative agenda for the Federal Voting Assistance Program (FVAP) in the Department of Defense. According to a study¹ by the PEW Center on the States in 2009, Wisconsin is one of only 8 states requiring a witness or notary for military and overseas voters' ballots to be counted.

Members of the Assembly Committee on Elections and Campaign Reform expressed concern about eliminating the witness requirement. They saw very little justification for eliminating the witness for military voters, but recognized the difficulty overseas voters may encounter in finding an adult U.S. citizen in time to have their certificate witnessed and the mail the ballot back before Election Day. An amendment has been prepared to change the witness requirement from an adult U.S. citizen to an adult.

Currently there is a piece of significant legislation moving at the federal level that would mandate a number of changes to the absentee voting process for military and overseas voters. That legislation prohibits states from imposing a notarization requirement for absentee voting for military and overseas voters. There is some question whether the notarization requirement applies to a witness requirement. This legislation is discussed in the next section

Military and Overseas Voter Empowerment (MOVE) Act

The Military and Overseas Voter Empowerment (MOVE) Act, is largely an amendment to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to address a number of perceived problems with overseas absentee voting. Key among those perceived problems is that military and overseas voters are disenfranchised by lengthy mailing delays. The MOVE Act requires states to take a number of steps to address these problems including providing the option of electronic methods to transmit and receive election materials overseas (not including voted ballots).

The MOVE Act, S. 1415 was originally introduced by Senator Charles Schumer (D-NY) on July 8, 2009, in response to recent studies² which showed that military and overseas voters were experiencing significant challenges voting from overseas ranging from never receiving a ballot to having their ballots rejected at the polling place or arriving after the applicable deadline. The bill quickly gained momentum and was recently incorporated into the broader National Defense

¹ PEW Center on the States, *No Time to Vote*, (January 2009)

² PEW Center on the States, *No Time to Vote*, (January 2009); US Senate Rules Committee, *Hearing on Problems for Military and Overseas Voters*, (May 2009).

Authorization Act for Fiscal Year 2010, H.R. 2647, as amendment SA 1764 on July 23, 2009, and passed both houses of Congress. It is expected be going to a conference committee shortly for reconciliation and then on to the President for his signature. The law is scheduled to be effective for the next set of Federal elections in 2010.

The MOVE Act requires a number of significant changes be implemented by the State to better accommodate UOCAVA voters:

1. Electronic Transmission of Voting Materials

The MOVE Act requires that all states provide an electronic transmission option to UOCAVA voters for the following materials: (1) voter registration, (2) absentee ballot applications, and (3) the absentee ballot itself. Wisconsin currently permits electronic transmission in all of the above situations. However, the statutes do not currently require election officials to honor the voter's request. Wisconsin would need to pass legislation that would require election officials to send these materials to the elector electronically if so requested.

2. Electronic Means of Communication with Electors

The Act also requires that the State designate an email address and/or fax number where requests for the above voting materials can be received. This email address and/or fax number needs to be printed on all informational and instructional materials that accompany the absentee balloting materials. Like all the requirements of the MOVE Act, this responsibility can be delegated to the local jurisdictions that actually administer absentee voting. There is also the option for each jurisdiction to list its own contact information rather than having a central contact point with the State. This requirement is likely best addressed through administrative rule-making rather than statutory change.

3. Indication of Preference to Receive Voting Materials by Electronic Means

To facilitate the use of the above means of electronic communication, the MOVE Act requires that the State establish a procedure by which the UOCAVA elector can indicate their preference to receive their materials by either mail or electronic methods. The simplest way to accomplish this objective would be modify the Application for Absentee Ballot to include a place for the elector to indicate if they wish to have their ballot sent to them via fax or email and to provide the associated email address or fax number. Another option to indicate a preference for electronic communication earlier in the process would be to create a web-based form that an elector could fill out to request either a voter registration form or absentee ballot application be sent to them electronically.

4. Privacy Protections for Electors

The MOVE Act requires that the "identity and other personal data" of a UOCAVA elector be protected throughout the absentee process. H.R. 2647 § 584(2). This requirement is in direct conflict with Wis. Stat. §6.89 which requires the name, address and date of absentee application of all absent electors be placed on a list and available to the public. To comply with the MOVE

Act Wisconsin would need to pass legislation to amend §6.89 to make UOCAVA absentee voters confidential.

5. 45-Day Transmission Deadline for Absentee Ballots

One of the most significant requirements of the MOVE Act is that absentee ballots be transmitted (via mail or electronic means) no later than 45 days before the election to all UOCAVA electors who have a valid absentee application on file for that election. Wisconsin law currently requires that absentee ballots be transmitted no later 30 days before a September primary or November general election and no later than 21 days before all other elections. Due to the date of Wisconsin's primary election and the subsequent ballot generation window required, it is not possible to comply with this requirement unless Wisconsin's primary was changed to an earlier date.

However, the MOVE Act does provide for an exemption from this requirement in the event that the State's primary election date prohibits the State from complying. This exemption is not automatic however, and must be applied for before each election. This application for exemption must also specifically detail the steps being taken to ensure that UOCAVA electors will be able to receive ballots and submit them back to the State in the time allowed. Furthermore, the exemption is at the discretion of the Presidential designee, so there is no guarantee that Wisconsin would receive the exemption for any given election.

6. Tracking Absentee Ballots

Another major requirement of the MOVE Act is that the State provide a free-access system by which a UOCAVA elector may determine whether their absentee ballot has been received by the appropriate State election official. The MOVE Act is not unique in this requirement. The Absentee Ballot Track and Confirm Act, H.R. 2510, is also pending which would require a similar tracking system for all absentee ballots.

A possible solution would be to modify Wisconsin's current public access system, Voter Public Access (VPA), to provide this information. However, not all absentee ballots are tracked in the Statewide Voter Registration System (SVRS), which is the source for the data provided on VPA. Therefore, in order to comply with this requirement, the G.A.B. would also need to require election officials to track all absentee ballots through SVRS. In addition to the technical resources required to modify VPA, this possible solution would also require significant training to SVRS users who are not currently tracking absentee ballots through the system.

An alternative would be to circumvent SVRS entirely and create a separate web-based tracking system for absentee ballots.

7. Expanded Use of the Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) is only accepted for the general election. The MOVE Act seeks to expand that to include special, primary and run-off elections for Federal office. This would require a legislative change to Wis. Stat. §6.25(1) which currently only allows the FWAB at the general election.

8. Elimination of Certain Technical Absentee Requirements

The MOVE Act also seeks to remove some of the more onerous technical requirements imposed on overseas voters. The MOVE Act specifically prohibits rejection of voter registrations, absentee ballot applications, or ballots for failure to meet the following requirements: (1) Notarization requirements, (2) Restrictions on paper type, weight, or size, and (3) Restrictions on envelope type, weight or size.

It is the first category that seems to apply to Wisconsin. Wisconsin is one of only eight states that currently require a witness or notary for absentee voting. While Wisconsin does not actually require a notary, just an adult U.S. Citizen witness, it seems possible that this is the sort of requirement that the MOVE Act seeks to prohibit. If so, Wisconsin would need to pass legislation to either specifically exempt UOCAVA voters from the witness requirement, or possibly eliminate the witness requirement entirely. Staff has received mixed messages about Congressional intent on the witness/notary distinction.

9. UOCAVA Statistics

To assist future study of UOCAVA voting the MOVE Act also requires that States track the number of ballots transmitted and received from UOCAVA electors. This provision should not require any further changes for Wisconsin as that data is already captured through the Election Voting and Registration Statistics Report (GAB-190). However, the Act does allow for the Presidential Designee to require “such other data as determined appropriate” so there may be a need in the future to update the GAB-190 to capture that additional data.

10. Elimination of the Use of a Single Application for All Subsequent Elections

Currently UOCAVA requires that a State provide an absentee ballot to an elector for two consecutive general elections subsequent to the original application if the elector so requests. This often led to absentee ballots being sent to old addresses, particularly for military voters who were frequently redeployed and did not update their address with local election officials. This requirement is repealed in the MOVE Act.

11. State Election Administration Plan Updates

As part of on-going implementation and review, the MOVE Act requires that States include in their State Plan how the State will be addressing the requirements of the MOVE Act. The G.A.B. has recently submitted an updated State Plan to the Legislative Joint Committee on Finance that includes language addressing the MOVE Act’s requirements. When that Plan is approved and submitted to the EAC for final publication, Wisconsin will have met this requirement.

The MOVE Act conflicts with several existing Wisconsin statutory provisions and election administration business practices. In order to comply with the MOVE Act, the G.A.B. would have to request legislative action, modify existing procedures, promulgate administrative rules, modify the Voter Public Access system and apply for exemptions from some of MOVE’s timing

provisions prior to each federal election. These actions would be necessary before the Federal elections of 2010.

2009 Senate Bill227

This legislation was developed by the Joint Legislative Council Special Committee on Emergency Management and Continuity of Government. It permits legislators to designate 3 to 7 emergency interim successors to hold office if an emergency resulting from enemy action creates a set number of vacancies in either house of the Legislature. The emergency interim successors would serve until a special election could be held pursuant to current Wis Stats. §8.50. The list of emergency interim successors is not available for public inspection. This secrecy provision has created a significant level of concern. In response to a request from Legislative Council staff, G.A.B staff has reviewed several drafts of a proposed amendment that would substitute an emergency election to be completed within 10 days of the issuance of an order by the Governor to fill the vacant seats until a traditional special election could be held under Wis Stats. §8.50.

2009 Assembly Bill xxx

Representative Corey Mason has had legislation drafted that would permit campaign finance registrants subject to the requirement to file electronic reports to use either a web-based system developed by the G.A.B. or file their report in a delimited electronic format such as an Excel spreadsheet. This legislation is discussed under the report on the Campaign Finance Information System (CFIS).

Becker, Jonathan - GAB

From: GAB HelpDesk
Sent: Tuesday, September 15, 2009 7:16 AM
To: Winkler, Tommy - GAB; Becker, Jonathan - GAB
Subject: FW: Good afternoon:

From: Jeffrey Kremers [mailto:Jeffrey.Kremers@wicourts.gov]
Sent: Monday, September 14, 2009 4:42 PM
To: GAB HelpDesk
Subject: Good afternoon:

Good afternoon:

I am contacting you in my capacity as Chief Judge for the First Judicial District. I am concerned about a proposed legislative change that would allow individuals to access certain information about Judges with an "online" search. Specifically the ability to acquire the address of property (other than a homestead) owned by a Judge.

I fail to see what public good is served by such an ability. I own no such property, and would not be affected by the change, but would be quite concerned if I did. Given the increase in violent incidents across the country involving members of the Judiciary I ask you to rethink this change or at a minimum, list only the name of the county where the property is located and not the actual address. If the property is a vacation home it is often vacant and unwatched. If it is investment property the occupants may be a some risk from a disgruntled litigant. Either way it seems more a recipe for disaster than the solution to some unstated problem of the public not easily knowing what property a Judge owns.

Thank you for your consideration.
Jeff Kremers

LEGISLATIVE STATUS REPORT

October 5, 2009 Meeting

Assembly Bills

Assembly Bill 2

Introduced by Representatives Pocan, Zigmunt, Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Danou, Fields, Grigsby, Hraychuck, Hubler, Jorgensen, Krusick, Mason, Molepske Jr., Nelson, Parisi, Pasch, Pope-Roberts, Radcliffe, Richards, Roys, Seidel, Sheridan, Shilling, Sinicki, Smith, Van Akkeren, A. Williams and Young. Cosponsored by Senators Wirch, Coggs, Hansen, Lassa, Lehman, Miller, Robson and Sullivan.

Relating to: state procurement of contractual services.

Status: Passed the Assembly. Referred to Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection. Public hearing held on 4/1/09. Senate amendment 1 recommended by committee.

Assembly Bill 39

Introduced by Representatives Kessler, Soletski, Pocan, Hubler, Turner, Richards, A. Williams, Hebl, Berceau, Roys, Black, Grigsby, Barca and Pasch. Cosponsored by Senators Lehman, Coggs and Plale.

Relating to: the authorization for municipalities to establish satellite stations for purposes of conducting voter registration and absentee voting and granting rule-making authority.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public Hearing on 4/21/09.

Assembly Bill 42

Introduced by Representatives Gottlieb, Kaufert, Ballweg, Bies, Brooks, Cullen, Davis, Gunderson, Lothian, Meyer, Mursau, Murtha, Nass, Nygren, A. Ott, Petrowski, Roth, Strachota, Van Roy and Ripp. Cosponsored by Senators Harsdorf, Olsen, Cowles and Schultz.

Relating to: acceptance of certain political contributions by certain elective state officials, officials elect, and committees and providing a penalty.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Assembly refused to suspend rules to withdraw from committee.

Assembly Bill 62

Introduced by Representatives Kessler, Soletski, Hubler, Cullen, Hilgenberg, Black, Berceau, Benedict, Danou, Pope-Roberts, Hixson and Parisi. Cosponsored by Senators Sullivan, Risser and Lehman.

Relating to: venue for elections and ethics enforcement actions.

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 4/21/09. Passage recommended by committee on Judiciary and Ethics. Referred to Assembly Committee on Rules.

Assembly Bill 63

Introduced by Representatives Dexter, Hebl, Cullen, Zigmunt, Sherman, Barca, Hintz, Black, Hilgenberg, Mason, Toles, Hixson, Pope-Roberts, Pocan and Kaufert. Cosponsored by Senators Erpenbach, Kreitlow, Ellis, Vinehout, Hansen, Risser, Lehman, Holperin, Harsdorf, Carpenter, Cowles and Robson.

Relating to: the scope of regulated activity under the campaign finance law.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Assembly substitute amendment 1 offered by Representative Dexter. Public hearing held on 5/27/09. Representative Smith added as a coauthor.

Assembly Bill 65

Introduced by Representatives Hintz, Hilgenberg, Smith, Garthwaite, Benedict, Roys, Hebl, Staskunas, Turner, Parisi, Cullen, Jorgensen, Richards, Zepnick, Pocan, Pope-Roberts, Clark, Shilling, Hubler, Black, Berceau, Grigsby, Molepske Jr. and Kessler. Cosponsored by Senators Kreitlow, Taylor, Lehman, Erpenbach, Miller, Risser, Lassa, Hansen, Wirch, Vinehout, Schultz and Sullivan.

Relating to: public financing of campaigns for the office of justice of the Supreme Court, making appropriations, and providing penalties.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public hearing held on 5/27/09.

Assembly Bill 75

Introduced by Joint Committee on Finance, by request of Governor Doyle.

Relating to: state finances and appropriations, constituting the executive budget act of the 2009 Legislature.

Status: Referred to the Joint Committee on Finance, the Joint Survey Committee on Tax Exemptions, and the Joint Survey Committee on Retirement Systems. Public hearings held by Joint Committee on Finance. Assembly substitute amendment 1 offered. Passage as amended recommended by Joint Committee on Finance. Referred to calendar on 6/08/09. Passed with partial veto and published on 6/29/09. 2009 Wisconsin Act 28. Partial vetoes referred to Assembly Committee on Rules.

Assembly Bill 104

Introduced by Representatives Spanbauer, Ballweg, Bies, Gunderson, Kaufert, Kestell, Petersen, Ripp, Strachota, and Townsend. Cosponsored by Senators Harsdorf, Lehman, Cowles, Olsen, Kedzie, Leibham and Hopper.

Relating to: reporting of information by nonresident registrants under the campaign finance law.

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Bill 117

Introduced by Representatives Kaufert, Bies, Brooks, Roth, Van Roy, Townsend, Lothian and Mursau. Cosponsored by Senators Cowles, Ellis and A. Lasee.

Relating to: withholding of pay of certain state elected officials and prohibiting the reimbursement of certain legislator expenses; acceptance of certain political contributions by certain elective state officials and committees; deadlines for the transmittal of the Building Commission's long-range state building program recommendations and the delivery of the governor's biennial budget message; submission of a report on the timeliness of the submittal of agency biennial budget requests; legislative consideration of biennial budget bill; operation of legislature before passage of biennial budget bill; and providing a penalty.

Status: Referred to Joint Committee on Finance.

Assembly Bill 120

Introduced by Representatives Vos, Montgomery, Nygren, Suder, Gundrum, Kramer, Huebsch, Kestell, Kerkman, LeMahieu, Petersen, Cullen, Murtha, J. Ott, Townsend,

Mursau, Gunderson, Spanbauer, Bies, Strachota, Kleefisch, Van Roy, Lothian, Petrowski and Honadel. Cosponsored by Senators Grothman, Cowles, Hopper, Darling, Leibham and Lazich.

Relating to: providing the public with information on state agency operations expenditures and state agency contracts and grants.

Status: Referred to Assembly Committee on State Affairs and Homeland Security.

Assembly Bill 145

Introduced by Representatives Kessler, A. Williams and Turner. Cosponsored by Senator Taylor.

Relating to: legislative review of municipal ward, supervisory district, aldermanic district, and certain school district election district plans.

Status: Referred to Assembly Committee on State Affairs and Homeland Security. Assembly substitute amendment offered by Representative Kessler.

Assembly Bill 163

Introduced by Representatives Berceau, Roys, Zepnick, Hilgenberg and Smith. Cosponsored by Senators Taylor and Plale.

Relating to: allowing certain political signs on rental premises.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public hearing held on 4/21/09.

Assembly Bill 168

Introduced by Representatives Zipperer, Vukmir, Kramer, Davis, Gundrum, Kerkman, Kestell, Kleefisch, Knodl, LeMahieu, Lothian, Montgomery, Murtha, Nass, Nygren, J. Ott, Petersen, Roth, Spanbauer, Strachota, Suder, Townsend, Van Roy, Vos and Ziegelbauer. Cosponsored by Senators Leibham, Kanavas, Cowles, Darling, Hopper, Lazich and Schultz.

Relating to: preparation and legislative consideration of a biennial budget bill; making executive sessions of the Joint Committee on Finance relating to the biennial budget bill available in real time for viewing by the public on the legislature's Internet Web site; and reporting of certain information by lobbying principals.

Status: Referred to Joint Committee on Finance

Assembly Bill 169

Introduced by Representative Zipperer. Cosponsored by Senator Kanavas.

Relating to: the number of nomination paper signatures required for school board candidates in certain school districts.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public hearing held on 4/21/09.

Assembly Bill 245

Introduced by Representatives Black, Clark, Brooks, Smith, Hilgenberg, Ziegelbauer, Berceau, Pope-Roberts, Hebl, Benedict, Bies and Pohan. Cosponsored by Senators Lassa, Schultz, Lehman and Carpenter.

Relating to: service by a former member of the legislature as a lobbyist.

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 06/02/09. Assembly executive action taken.

Assembly Bill 249

Introduced by Representatives Young, Grigsby, A. Williams, Richards, Black, Roys, Jorgensen, Pasch, Mason, Pope-Roberts and Toles. Cosponsored by Senators Coggs, Risser, Taylor and Hansen.

Relating to: deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties.

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Bill 304

Introduced by Representatives Soletski, Bies, Berceau, Brooks, Mursau, A. Ott, Spanbauer, Van Roy and Zigmunt. Cosponsored by Senators A. Lasee and Cowles.

Relating to: ineligibility of convicted felons for licensure as lobbyists.

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 6/30/09. Assembly substitute amendment 1 offered by Representative Soletsk. Referred to Assembly Committee on Rules.

Assembly Bill 322

Introduced by Representatives Black, Hebl, Turner, Jorgensen and Clark.

Relating to: identification of individuals who examine statements of economic interests filed with the Government Accountability Board.

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 6/30/09. Assembly amendment 1 offered by Representative Vos. Assembly amendment 2 offered by committee on Judiciary and Ethics. Referred to Assembly Committee on Rules.

Assembly Bill 327

Introduced by Representatives Schneider, A. Williams, and Hraychuck.

Relating to: contributions by state contractors, grantees, or loan recipients and their officers and substantial owners to certain elective state officials.

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Bill 330

Introduced by Representatives Turner, Bies, Cullen, Hebl, Hilgenberg, Kessler, Milroy, Molepske Jr., Roys, Schneider, Vruwink, Young and Zepnick. Cosponsored by Senators Coggs, Erpenbach, Holperin, Lehman, Olsen, Taylor and Vinehout.

Relating to: requirements for electors who vote by absentee ballot.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public hearing held on 9/15/09.

Assembly Bill 353

Introduced by Representatives Grigsby, Schneider, Parisi, Hilgenberg, Pocan, Young, Pasch, Roys, Black, Turner, Fields, Kessler, Berceau, A. Williams, Toles, Sinicki, Pope-Roberts and Zigmunt. Cosponsored by Senators Taylor, Coggs, Miller and Risser, by request of Restore the Vote Wisconsin NOW Coalition.

Relating to: restoring the right to vote to certain persons barred from voting as a result of a felony conviction and changing the information required on voter registration forms.

Status: Referred to Assembly Committee on Corrections and the Courts. Public hearing held on 8/27/09.

Assembly Bill 388

Introduced by Representatives Pope-Roberts, Berceau, Black, Hixson, Hebl, Zigmunt, Clark, Kessler, Molepske Jr., Parisi and Kaufert. Cosponsored by Senators Erpenbach, Ellis, Carpenter, Lehman, Holperin, Schultz, Risser, Harsdorf, Vinehout, Sullivan and Kapanke.

Relating to: campaign financing, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, creating a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment, candidate time on public broadcasting television stations and public access channels, staffing of the Government Accountability Board; providing exemptions from emergency rule procedures; granting rule-making authority; making appropriations; and providing penalties.

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Bill 406

Introduced by Representatives Kessler, Berceau and Pasch. Cosponsored by Senators Coggs, Hansen and Kreitlow.

Relating to: challenging the ballots of electors at polling places.

Status: Referred to Assembly Committee on Elections and Campaign Reform. Assembly amendment 1 offered by Representative Kessler.

AB 444 (09.25.09)

Assembly Joint Resolutions

Assembly Joint Resolution 2

Introduced by Representatives Sherman, Vruwink and Soletski. Cosponsored by Senators Carpenter and Holperin.

Relating to: eliminating the spring election (first consideration).

Status: Referred to Assembly Committee on Elections and Campaign Reform. Assembly substitute amendment offered by Representative Sherman.

Assembly Joint Resolution 6

Introduced by Representatives Kessler and A. Williams.

Relating to: fixing the size of the legislature and gubernatorial appointment of Supreme Court justices (first consideration).

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Joint Resolution 11

Introduced by Representatives Schneider, Kaufert and Suder. Cosponsored by Senators S. Fitzgerald and Schultz.

Relating to: status of seats of legislators on ordered military duty and appointment of temporary acting legislators for legislators performing ordered military duty (first consideration).

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Joint Resolution 26

Introduced by Representative Schneider

Relating to: terms of office for members of the senate and assembly (first consideration).

Status: Referred to Assembly Committee on Elections and Campaign Reform. Public hearing held on 9/15/09.

Assembly Joint Resolution 29

Introduced by Representatives Kessler, Staskunas, Hilgenberg, Hintz and A. Williams.
Cosponsored by Senator Lehman.

Relating to: establishing competitive election criteria for redistricting the legislature (first consideration).

Status: Referred to Assembly Committee on Elections and Campaign Reform.

Assembly Joint Resolution 39

Introduced by Representatives Mason, Pasch, Soletski, Fields and Roys. Cosponsored by Senator Taylor.

Relating to: the age of qualified electors for state and local elections (first consideration).

Status: Referred to Assembly Committee on State Affairs and Homeland Security.

Assembly Joint Resolution 51

Introduced by Representatives Nygren, Vos, Kerkman, Vukmir, Gunderson, Kestell, Strachota, Kramer, Meyer, Roth, Pridemore, Mursau, Kaufert, Newcomer, Bies, Friske, Gundrum, Nass, Tauchen, Townsend, Knodl, Petersen, Ballweg, Lothian, LeMahieu and M. Williams. Cosponsored by Senators Leibham, Lazich, S. Fitzgerald, Grothman, A. Lasee, Darling, Kedzie and Schultz.

Relating to: state sovereignty.

Status: Referred to Assembly Committee on State Affairs and Homeland Security.
Representative Petrowski added as a coauthor.

Assembly Joint Resolution 63

Introduced by Representatives Kessler, Black, Grigsby, Turner and A. Williams.
Cosponsored by Senator Taylor.

Relating to: excluding incarcerated, disenfranchised felons from the enumeration of population for apportionment and redistricting of legislative, county, and certain other district offices (first consideration).

Status: Referred to Assembly Committee on State Affairs and Homeland Security.
Public hearing held on 9/15/09.

AJR 64 (09.25.09)

Senate Bills

Senate Bill 8

Introduced by Senators Wirch, Coggs, Hansen, Lassa, Lehman, Miller, Robson and Sullivan. Cosponsored by Representatives Pocan, Zigmunt, Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Danou, Fields, Grigsby, Hraychuck, Hubler, Jorgensen, Krusick, Mason, Molepske Jr., Nelson, Parisi, Pasch, Pope-Roberts, Radcliffe, Richards, Roys, Seidel, Sheridan, Shilling, Sinicki, Smith, Van Akkeren, A. Williams and Young.

Relating to: state procurement of contractual services.

Status: Referred to Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

Senate Bill 40

Introduced by Senators Kreitlow, Taylor, Sullivan, Miller, Risser, Erpenbach, Wirch, Lassa, Lehman, Hansen, Vinehout, and Schultz. Cosponsored by Representatives Hintz, Hilgenberg, Smith, Garthwaite, Benedict, Roys, Hebl, Staskunas, Turner, Parisi, Cullen, Jorgensen, Richards, Zepnick, Pocan, Pope-Roberts, Clark, Shilling, Hubler, Black, Berceau, Grigsby, Molepske Jr. and Kessler.

Relating to: public financing of campaigns for the office of justice of the Supreme Court, making appropriations, and providing penalties.

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Public hearing held on 5/27/09. Referred to Senate Joint Committee on Finance on 9/08/09 by committee on Senate Organization, pursuant to Senate Rule 41(1) (e).

Senate Bill 43

Introduced by Senators Erpenbach, Kreitlow, Ellis, Vinehout, Hansen, Risser, Lehman, Holperin, Harsdorf, Carpenter, Cowles and Robson. Cosponsored by Representatives Dexter, Hebl, Cullen, Zigmunt, Sherman, Barca, Hintz, Black, Hilgenberg, Mason, Toles, Hixson, Pope-Roberts, Pocan, Kaufert and Berceau.

Relating to: the scope of regulated activity under the campaign finance law.

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Senate substitute amendment 1 offered by Senator Erpenbach. Public hearing held on 5/27/09. Report adoption of Senate Substitute

Amendment 1 recommended on 9/17/09 by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Report passage as amended recommended on 9/17/09 by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Available for scheduling.

Senate Bill 68

Introduced by Senators Harsdorf, Lehman, Cowles, Olsen, Kedzie, Leibham and Hopper. Cosponsored by Representatives Spanbauer, Ballweg, Bies, Gunderson, Kaufert, Kestell, Petersen, Ripp, Strachota and Townsend.

Relating to: reporting of information by nonresident registrants under the campaign finance law.

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

Senate Bill 92

Introduced by Senators Leibham, Kanavas, Cowles, Darling, Hopper, Lazich and Schultz. Cosponsored by Representatives Zipperer, Vukmir, Davis, Gundrum, Kerkman, Kestell, Kleefisch, Knodl, Kramer, LeMahieu, Lothian, Montgomery, Murtha, Nass, Nygren, J. Ott, Petersen, Roth, Spanbauer, Strachota, Suder, Townsend, Van Roy, Vos and Ziegelbauer, Brooks.

Relating to: preparation and legislative consideration of a biennial budget bill; making all meetings of the Joint Committee on Finance relating to the biennial budget bill available in real time for viewing by the public on the legislature's Internet Web site; and reporting of certain information by lobbying principals.

Status: Referred to Senate Committee on Ethics Reform and Government Operations.

Senate Bill 179

Introduced by Representatives Kessler, Soletski, Hubler, Cullen, Hilgenberg, Black, Berceau, Benedict, Danou, Pope-Roberts, Hixson and Parisi. Cosponsored by Senators Sullivan, Risser and Lehman.

Relating to: deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties.

Status: Referred to Senate Committee on Labor, Elections and Urban Affairs. Public hearing held on 9/02/09.

Senate Bill 199

Introduced by Senators Leibham, Lazich, Carpenter, Darling, Grothman, Harsdorf, Hopper, Kanavas, Kedzie, A. Lasee, Olsen, Plale, Schultz and Sullivan. Cosponsored by Representatives Stone, Vukmir, Bies, Brooks, Davis, Gundrum, Honadel, Huebsch, Kaufert, Kerkman, Kestell, Kramer, LeMahieu, Lothian, Meyer, Montgomery, Murtha, Nass, A. Ott, J. Ott, Petersen, Pridemore, Spanbauer, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos and Zipperer. Representative Petrowski added as a cosponsor.

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, absentee voting procedure in certain residential care apartment complexes and adult family homes, and the fee for an identification card issued by the Department of Transportation.

Status: Referred to Senate Committee on Labor, Elections and Urban Affairs.

Senate Bill 217

Introduced by Senators A. Lasee and Cowles. Cosponsored by Representatives Soletski, Bies, Berceau, Brooks, Mursau, A. Ott, Spanbauer, Van Roy and Zigmunt.

Relating to: ineligibility of convicted felons for licensure as lobbyists.

Status: Referred to Senate Committee on Ethics Reform and Government Operations.

Senate Bill 221

Introduced by Senators Erpenbach, Ellis, Carpenter, Lehman, Holperin, Schultz, Risser, Harsdorf, Vinehout and Sullivan. Cosponsored by Representatives Pope-Roberts, Berceau, Black, Hixson and Hebl.

Relating to: campaign financing, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, creating a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment, candidate time on public broadcasting television stations and public access channels, staffing of the Government Accountability Board; providing exemptions from emergency rule procedures; granting rule-making authority; making appropriations; and providing penalties.

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Representative Bernard Schaber added as a cosponsor.

Senate Bill 227

Introduced by Joint Legislative Council.

Relating to: interim successors for legislators, meetings of the legislature and legislative committees, and temporary seat of government for the legislature.

Status: Referred to Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

Senate Bill 236

Introduced by Senators Hansen, Ellis, A. Lasee, Vinehout, Risser, Kedzie, Carpenter, Schultz, Wirch, Erpenbach, Cowles and Kapanke. Cosponsored by Representatives Ziegelbauer, Roth, Schneider, Kessler, Brooks, Berceau, Nass, Toles, Ballweg, Vos and Nerison.

Relating to: Electronic filing of campaign finance reports.

Status: Referred to Senate Committee on Ethics Reform and Government Operations. Public hearing held on 8/13/09. Senate amendment 1 offered by Senator Hopper on 9/22/09. Referred to committee on Senate Organization. Available for scheduling.

Senate Bill 240

Introduced by Senators Taylor, Miller, Coggs and Risser. Cosponsored by Representatives Grigsby, Schneider, Parisi, Young, Pasch, Roys, Hilgenberg, Black, Pocan, Turner, Fields, Kessler, Berceau, A. Williams, Toles and Sinicki.

Relating to: Restoring the right to vote to certain persons barred from voting as a result of a felony conviction and changing the information required on voter registration forms.

Status: Referred to Senate Committee on Labor, Elections and Urban Affairs.

Senate Bill 272

Introduced by Senators Coggs, Hansen and Kreitlow. Cosponsored by Representatives Kessler, Berceau and Pasch.

Relating to: challenging the ballots of electors at polling places.

Status: Referred to committee on Labor, Elections and Urban Affairs.

SB 308 (09.25.09)

Senate Joint Resolutions

Senate Joint Resolution 9

Introduced by Senator Carpenter. Cosponsored by Representatives Berceau, Vos and Spanbauer.

Relating to: providing for an advisory referendum on the question of restoring the annual adjustment of the motor vehicle fuel tax rate in this state.

Status: Referred to Senate Committee on Transportation, Tourism, Forestry, and Natural Resources.

Senate Joint Resolution 42

Introduced by Senator Taylor. Cosponsored by Representatives Kessler, Black, Grigsby, Turner and A. Williams.

Relating to: excluding incarcerated, disenfranchised felons from the enumeration of population for apportionment and redistricting of legislative, county, and certain other district offices (first consideration).

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

SJR 43 (09.25.09)

ITEM H

Administrative Rules

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Promulgation of GAB Chapter 5 Ballot and Electronic Voting System Security

Over the past two years, Board staff has been working to draft revisions to the administrative rules relating to the security of ballots and electronic voting systems, with the input of municipal and county clerks and members of the public. The repeal and recreation of existing Chapter GAB 5 is necessary to update the requirements for ensuring that ballots and electronic voting systems remain secure and tamper-free. The new version of the rule attempts to address issues related to the security of ballots and electronic voting systems, and balance security concerns with the costs and resources needed for compliance.

The Board held a public hearing on November 11, 2008 and staff has considered the input and recommendations received at that hearing as well as subsequent comments which have been submitted. The Board has approved the substance of the rule previously, except for the identified new provisions regarding the treatment and documentation of absentee ballots, which were added in response to issues raised in public comments. Therefore, the Board may wish to focus its attention on the language which has been added as indicated.

Following approval of the revised draft, staff will complete the report to the legislature, which the Board is not required to approve, so that promulgation of the rule can be finalized.

Recommended Motion:

Approve the attached revised GAB Chapter 5 for submission to the Legislature and direct staff to complete promulgation of the rule.

Chapter GAB 5

BALLOT AND ELECTRONIC VOTING SYSTEM SECURITY

GAB 5.01 Ballot security. (1) In this section:

- (a) “Absentee voting materials” include un-voted and voted absentee ballots, completed absentee ballot applications, certificate envelopes, carrier envelopes and containers containing ballots, absentee ballot logs, and chain-of-custody logs.
- (b) “Ballot” has the meaning given in s. 5.02 (1e), Stats.
- (c) “Board” means the government accountability board.
- (d) “Certificate of performance compliance” means the document provided by voting equipment vendors certifying that the equipment complies with the performance requirements of s. 5.91, Stats.
- (e) “Chain-of-custody” means the recorded movement and location of blank election ballots, absentee voting materials, and programmed memory devices used with electronic voting systems from the time of delivery of ~~the ballots~~ said materials and equipment to the municipal clerk or board of election commissioners until the destruction of the ballots is authorized under s. 7.23, Stats. or the materials and devices are no longer in use.
- (f) “Custodian” means the election official who is authorized by chs. 5 to 12 to take possession and control of the ballots from the time of delivery of the ballots to the clerk or board of election commissioners until destruction of the ballots is authorized under s. 7.23, Stats.
- (g) “Electronic voting system” has the meaning given in s. 5.02(4m), Stats.
- (h) “Firmware” means the computer software stored in read-only memory or programmable read-only memory.
- (i) “Memory device” means any prom pack, memory card, or any other removable memory device that functions or may be programmed to store and transfer ballot images or tabulation data
- (j) “Modem” means a device for transmitting data between two computers over telephone or other communication lines.
- (k) “Results report” means the print-out of voting data by a piece of electronic voting equipment.
- (l) “Software” has the meaning given in s. 5.905(1), Stats.

- (2) Except when in use, absentee voting materials shall be secured in a locked area such as a locked drawer, cabinet, or room, to which access is available only to the clerk of the election district or to persons authorized by the clerk. During periods in which absentee voting and processing of returned ballots occurs, the clerk or other person(s) authorized by the clerk to assist in the election shall be present and responsible for all absentee voting materials until such time as said materials are secured. Absentee ballots shall be delivered to the polling place or absentee ballot canvassing location under s. 7.52, Stats. on election day in a sealed envelope or other container exhibiting the language of the ballot carrier envelope (GAB-125).
- (3) The municipal clerk shall maintain a chain-of-custody log documenting the use and handling of absentee voting materials from the time of delivery of blank ballots until the destruction of the ballots is authorized under s. 7.23, Stats. The log shall indicate by whom and when the absentee voting materials have been secured and unsecured during the period of absentee voting and processing returned ballots, and the individual(s) responsible for the materials while in use. The log shall also indicate when and by whom the absentee ballot carrier envelope or container was sealed on election day, and when and to whom the carrier envelope or container was delivered at the polling place or absentee ballot canvassing location under s. 7.52, Stats.
- (24) Within the requirements of s. 7.51(3), Stats., the terms “secure” and “seal” shall be interpreted together to mean that the voted ballot container must be closed in such a manner that no ballot may be removed, nor any ballot added, without visible evidence of interference or damage to the ballot container.
- (35) (a) Within the requirements of s. 7.51(3) (a), Stats., a ballot container shall be considered “sealed” or “locked,” only if no ballot may be removed from or deposited into the container, and no other form of access to the ballots inside may be gained without leaving visible evidence of that entry or access into the container.
- (b) Ballot bags shall be sealed with a tamper-evident, serialized numbered seal. The serial number shall be recorded on the signed ballot container certification attached to the bag. Serial numbers of the seals also shall be recorded on the inspectors’ statement. Ballot boxes or containers shall have all potential openings secured in such a manner that no ballot may be removed, nor any ballot added, without visible evidence of interference or damage to that ballot container. Ballot boxes or containers shall have attached a signed ballot container certification.
- (46) A sealed ballot container shall not be considered “secured” unless it is stored in a manner in which access to the container is limited only to the clerk of the election district, board of election commissioners, or to persons authorized by the clerk or the board of election commissioners, and access to which is not available to any other person.
- (57) Whenever the custodian is required to open the ballot container and unseal the ballots as part of a central count proceeding under s. 5.86, Stats., board of canvass proceeding under

Ch. 7, Stats., audit of electronic voting equipment after an election under s. 7.08(6), Stats., recount or an appeal of a recount under s. 9.01, Stats., or as part of a public records request under s. 19.35, Stats., before opening the container the custodian shall record in the minutes of the proceeding whether the container is sealed and shall record the serialized number of the seal. The custodian shall make a record of the entry and of the ballot review. Upon completion of the review, the custodian shall re-secure the ballots in the manner provided in s. 7.51, Stats., unless destruction is authorized under s. 7.23, Stats.

- (68) Security of the ballots and the ballot container shall be maintained as provided under s. 7.51, Stats., until destruction of the ballots is conducted under s. 7.23, Stats. Destruction of the ballots authorized under s. 7.23, Stats., requires shredding, incineration, or some other form of obliteration of the ballots.
- (79) At the time of a recount, the serial numbers on the seals of the ballot container shall be compared with the serial numbers written on the signed ballot container certification. All containers shall be compared in a recount. The ward numbers and the results of the serial number verification shall be recorded in the minutes of the recount.
- (89) The municipal clerk or board of election commissioners shall securely maintain all ballots from the time of receipt from the printer or county clerk through delivery to the polling place.

Note: The ballot container certification is form GAB-101. Copies of GAB-101 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=1914&locid=47>.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14376&locid=47>.

Note: The ballot carrier envelope is form GAB-125. Copies of GAB-125 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14515&locid=47>

5.02 General Electronic Voting System Security Procedures

- (1) The procedures under this section apply to all electronic tabulating voting equipment memory devices.
- (2) Throughout the life of the electronic voting system, the municipal or county clerk shall maintain control of all memory devices in a secure manner at all times. With the agreement of the municipal clerk or board of election commissioners, the county clerk or county board of election commissioners may store memory devices in a secure location. The municipal clerk or board of election commissioners shall secure all keys to the electronic voting equipment.

- (3) For each election, there shall be a separate, written chain-of-custody record for each programmed memory device used with an electronic voting system. Each transfer shall be logged in the written chain-of-custody record.
- (4) Each programmed memory device shall have or be assigned a unique and permanent serial number. If the memory device does not have a permanent serial number affixed by the manufacturer, a clerk shall, if possible, affix to the device a serial number or unique identifier.
- (5) The municipality shall use controlled, serialized seals that are tamper-evident and resistant to accidental breakage along with a written record of all seals and associated serial numbers.
- (6) For each election, the municipal clerk shall record on the inspectors' statement which memory devices and which serialized tamper-evident seals are assigned to particular voting stations or units.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14376&locid=47>.

5.03 Pre-election procedures

- (1) The clerk who has possession of the electronic voting systems or memory devices shall ensure that the equipment and memory devices have been secured properly since the previous election.
- (2) (a) Memory devices shall be programmed to print a list of the software and firmware versions of the electronic voting system on each beginning-of-election-day zero report under s. 5.84(2), Stats.

(b) For electronic voting systems that cannot accommodate this requirement, the software and firmware information shall be recorded from the system start-up screen, either by municipal or county staff during the pre-election testing under s. 5.84(1), Stats., or by election inspectors on election day under s. 5.84(2), Stats.
- (3) The records for the pre-election test under s. 5.84, Stats., pre-recount test under s. 5.90, Stats., and election day reports under ss. 7.51 and 7.53, Stats., must be maintained by the appropriate clerk or board of election commissioners.
- (4) Except when necessary to program, test, or operate the electronic voting or programming equipment, any point by which access may be gained to the system controls shall be closed and locked or secured with a tamper-evident seal that may be tracked using a unique and permanent serial number. The appropriate clerk shall maintain a written record of the serial numbers required by this subsection.

- (5) (a) After a memory device is programmed, tested, and delivered to the municipal clerk for the election, it shall be immediately and continuously maintained in a secure location with controlled access limited only to users authorized by the clerk or board of election commissioners.
- (b) Upon insertion of a memory device into its assigned unit, it shall be sealed against unauthorized access with a serialized, tamper-evident seal that may be tracked using a unique and permanent serial number. The municipal clerk or board of election commissioners shall record the serial numbers on the inspectors' statement.
- (6) When applicable, for each election the municipal or county clerk or board of election commissioners shall obtain a signed "Certificate of Performance Compliance: Memory Device Security" from each voting equipment manufacturer that provides programming services or memory devices to the municipality or county.
- (7) The municipality shall take reasonable precautions to ensure the security of the equipment between the time it leaves the possession of the clerk or board of election commissioners to be delivered to the polling place, and the time the chief inspector assumes possession at the polling place on election day.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14376&locid=47>.

5.04 Election-day procedures

- (1) Before any ballots are cast on any piece of voting equipment, the integrity of the tamper-evident seals shall be verified by the chief election inspector verifying that the tamper-evident seal serial number on the inspectors' statement matches the tamper-evident seal serial number contained on the electronic voting equipment. Any irregularity or discrepancy between the two numbers shall be reconciled before using the equipment.
- (2) After the polls have opened, ballot removal from an optical scan machine or paper roll removal or replacement on a direct recording electronic machine shall be conducted with at least two election inspectors or other sworn election team members appointed by the municipal clerk or board of election commissioners present. The removal process, the names of the election inspectors or sworn election team members, and the time of removal shall be recorded on the inspectors' statement.
- (3) After the polls have closed, election officials shall print a results report before breaking any seal on the equipment and before the removal of the memory device from any piece of voting equipment. If additional reports other than the results reports are required, these reports shall also be printed before breaking any seal on the equipment and before the removal of the memory device.

- (4) The chief election inspector shall compare the serial numbers of all security seals, then verify by initialing the inspectors' statement. Any additional seals used during the election shall also be recorded on the inspectors' statement.
- (5) The memory device shall be secured in a separate, tamper-evident sealed container or envelope by the chief election inspector. The memory devices shall be promptly returned to the municipal or county clerk or board of election commissioners.
- (6) If vote results are transmitted by modem, the municipal clerk or board of election commissioners may access the memory device for transmission of those results, but shall reseal the memory device in a secured envelope or container.
- (7) If removal of the memory device is not required, the device may remain sealed in the voting equipment. The serial numbers of the security seals shall be verified and initialed on the inspectors' statement.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14376&locid=47>.

5.05 Post election procedures

- (1) After each election, the clerk or board of election commissioners responsible for storing the voting equipment shall conduct an inspection to ensure all system access points are closed, locked, and secured.
- (2) At each post-election meeting of the municipal board of canvassers, the members shall verify that the tamper-evident serial numbers from the voting equipment have been recorded on five inspectors' statements or 10% of the total statements, whichever is greater, and have been initialed by the chief election inspector. The county board of canvassers shall verify ten inspectors' statements. All inspectors' statements shall be verified by the appropriate board of canvassers in a recount. The board of canvassers shall document actions taken pursuant to this subsection in the meeting minutes.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address:
<http://elections.state.wi.us/docview.asp?docid=14376&locid=47>.

5.06 Alternate Security Procedures

- (1) The board recognizes the need for flexibility when implementing the procedures under this chapter, and acknowledges that alternative means may be used to achieve and ensure an acceptable level of electronic voting equipment security.
- (2) The board shall consider requests from counties to implement alternative security procedures as follows:

- (a) The county clerk, or the municipal clerk or board of election commissioners through the county clerk or county board of election commissioners, shall submit a written request to implement alternative security procedures to the board's director and general counsel.
- (b) The request shall describe the proposed security procedures in detail and include any documentation such as logs, flow charts, and certification forms.
- (c) The director and general counsel may approve the use of alternative security procedures for one election cycle.
- (d) The board shall review the director and general counsel's approval of any alternative security procedures and may authorize continued use of those procedures past the election cycle authorized by the director and general counsel.

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Status Report on Pending Administrative Rule-Making

This Status Report is for informational purposes only and no immediate action is requested. Following this cover page is a brief status of pending rule-making resulting from past actions of the Government Accountability Board. All administrative rules identified in this summary reference permanent rule-making. Please note that there are several additional rules not addressed in this status report that the Board has affirmed, but for which the staff has identified the need for additional review and revision. The staff will present recommendations at subsequent meetings regarding those involved rules.

STATUS REPORT ON PENDING ADMINISTRATIVE RULE-MAKING

Revise 1.10

Relating to: Registration by Nonresident Committees and Groups

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to revise title of 1.10. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 1.15

Relating to: Filing Reports of Late Campaign Activity (Postmarked Reports)

Status: Board original action on March 30, 2009. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to remove two references to postmarked reports. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 1.20

Relating to: Treatment and Reporting of In-Kind Contributions

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to remove a reference to an old form, Schedule 3-C, that is no longer necessary due to the implementation of CFIS. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Create 1.21

Relating to: Treatment of Joint Account Contributions

Status: Board original action on June 9, 2008. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to create a rule addressing treatment of contributions from joint accounts. Will return to Board with draft rule. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 1.26

Relating to: Return of Contribution

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to correct grammatical error. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 1.28

Relating to: Scope of Regulated Activity; Election of Candidates

Status: Board original action January 15, 2009. Legislative Council review complete. Public hearing held on March 30, 2009. Legislative Report complete and filed with legislature, but was recalled by the Board pending the Supreme Court decision for Citizens United v. FEC. Supplemental oral arguments for Citizens United v. FEC were held by the U.S. Supreme Court on September 9, 2009 and a decision is anticipated before the end of 2009.

Revise 1.43

Relating to: Referendum-related activities by committees; candidate-related activities by groups.

Status: Board original action on May 5, 2008. Scope statement drafted for August 10, 2009 meeting and then can begin rule-making process to remove 1.43(2)(a) as the law no longer requires listing all candidates supported and s. 11.05(4), Stats., allows one registration statement. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 1.85 and 1.855

Relating to: Conduit Registration and Reporting Requirements; Contributions from Conduit Accounts

Status: Board original action on October 6, 2008. Scope statement approved at August 10, 2009 meeting, which must be submitted to the Legislative Reference Bureau and then can begin rule-making process to harmonize certain portions of these rules with current law and new CFIS system. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Create 1.90

Relating to: MCFL Organization Registration and Reporting Requirements

Status: Board original action August 27, 2008. Must draft scope statement and then begin rule-making process to codify formal opinions regarding registration and reporting requirements of MCFL organizations. Will return to Board with draft rule. Will likely have to hold public hearing, so following submittal to Legislative Council will hold public hearing and then submittal to legislature before publication.

Revise Chapter 3

Relating to: Voter Registration, HAVA Checks

Status: Board original action August 27, 2008. Must draft scope statement and then begin rule-making process to make further revisions to Chapter 3 regarding voter registration and HAVA checks. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Repeal and Recreate Chapter 4

Relating to: Election Observers

Status: Board original action on August 27, 2008. Final draft of Chapter 4 approved March 30, 2009 based upon comments from emergency rule proceedings, but must submit scope statement to the Legislative Reference Bureau before submitting final version to Legislative Council for review. Thereafter, will hold public hearing and then submittal to legislature before publication.

Repeal and Recreation of Chapter 5

Relating to: Security of Ballots and Electronic Voting Systems

Status: Board original action on May 5, 2008. Legislative Council review complete. Public Hearing held November 11, 2008 and some additions may be necessary. The Legislative Report for Chapter 5 will be submitted after the Board considers an additional provision to the chapter at the October 5, 2009 meeting. These additions resulted from public comments. Once the additions are approved by the Board, the Legislative Report will be submitted to the legislature. Thereafter, publication.

Revise 6.02

Relating to: Registration Statement Sufficiency.

Status: Board original action on March 30, 2009. Scope statement submitted for publication. Draft rule must be presented to Board and then can continue rule-making process to clarify sufficiency standards. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 6.03

Relating to: Assistance by Government Accountability Board Staff

Status: Board original action on March 30, 2009 Must draft scope statement and then begin rule-making process to update statutory citations with new statutes post 2007 Act 1. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 6.04

Relating to: Filing Documents by FAX or Electronic Means

Status: Board original action on March 30, 2009. Scope statement submitted for publication. Draft rule must be presented to Board and then can continue rule-making process to clarify electronic filing requirements. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Revise 6.05

Relating to: Filing Campaign Finance Reports in Electronic Format

Status: Board original action on March 30, 2009. Scope statement published. Legislative Council Report back June 25, 2009. Need to make revisions suggested by Legislative Council and publish Notice of Hearing. Thereafter, submittal to legislature.

Revise Chapter 7

Relating to: Approval of Electronic Voting Equipment

Status: Board original action on May 5, 2008. Division Administrator Robinson establishing a committee to make recommendations. Must draft scope statement and then begin rule-making process. Will require public hearing, so following submittal to Legislative Council will have public hearing before submittal to legislature.

Revise 9.03

Relating to: Voting Procedures for Challenged Electors

Status: Board original action on May 5, 2008. Must draft scope statement and then begin rule-making process to remove a reference to lever voting machines. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to legislature (unless someone petitions for a hearing.)

Creation of Chapter 13

Relating to: Training Election Officials

Status: Board original action on January 28, 2008. Rule in draft form and ready for submittal to Legislative Council for review. Board approved draft rule at the August 10, 2009 meeting, so must now submit to Legislative Council for review. Thereafter, if not doing 30 day notice rule-making, will need public hearing and then submittal to legislature before publication.

Repeal 21.01, 21.04 and Revise 20.01

Relating to: 21.01—filing of all written communications and documents intended for former Ethics Board

21.04—transcripts of proceedings before former Ethics Board

20.01—procedures for complaints before former Elections Board

Status: Board original action on January 28, 2008. Legislative Council review complete. No public hearing necessary as processing as 30 day notice rule-making and no petition for public hearing was filed. These rules are ready for completion of legislative report and submittal to legislature. Thereafter, publication.

Creation of Chapter 22

Relating to: Settlement of Certain Campaign Finance, Ethics, and Lobbying Violations

Status: Board original action on June 9, 2008. Final draft of Chapter 22 approved March 30, 2009. Submitted to Legislative Council and report has been returned. Revisions made and Notice of Public Hearing published. Public Hearing held July 28, 2009 and reviewed by Board at the August 10, 2009 meeting. Must complete submission to legislature before publication.

ITEM I

Report on Campaign Finance Information System

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the October 5, 2009 Board meeting
TO: Government Accountability Board
FROM: Jonathan Becker, Division Administrator, Ethics and Accountability Division
SUBJECT: Campaign Finance Information System -- Performance and Functionality

July Continuing 2009 Reporting -- System Performance

Prior to the July Continuing 2009 filing period, we asked the Division of Enterprise Technology ("DET") in the Department of Administration to increase the amount of computer capacity available for CFIS during the filing period. DET moved the Campaign Finance Information System application to a dedicated virtual server. The associated database remained on a shared server.

During the peak filing time, two system slowness issues occurred. On July 20, 2009 the system was shut down and re-booted twice to address the slowness and overall performance problems the application was experiencing. These shutdowns occurred from 2:45 pm to 3:00 pm and from 8:00 pm to 8:30 pm. On July 29, 2009 system slowness was reported for specific public search functions; View Receipts, View Conduit Contributions, and View Registrants. No issues were reported with trying to view filed reports.

Following the July Continuing 2009 filing period, legislators expressed concerns about the functionality and overall performance of the Campaign Finance Information System. On September 1, Director and General Counsel Kevin Kennedy appeared before the Assembly Committee on Elections and Campaign Finance to give testimony on the CFIS application. Currently, Representative Corey Mason is proposing to introduce legislation that would permit people to file electronically not using CFIS. Based upon the issues experienced during the July filing period and the concerns expressed by members of the legislature, G.A.B. staff has taken or plans to take the following actions.

Actions to Improve System Performance and Functionality:

Indexing tables in the application's relational database - Staff worked with DET and PCC Technology Group to apply indexes to the application's database to enhance the application's speed and overall performance.

Redesign of the application's user interface – Staff met and reviewed all of the user interface screens and evaluated them based upon content and functionality. Significant changes to the navigation, text, look and feel of most user interface screens were documented and we plan to

implement these changes before the next filing period. Some of the specific user interface changes are:

1. Step-by-step instructions will be provided for users on all data entry screens.
2. The field ordering will be changed to make it easier and more logical for users to enter transactions.
3. The amount of information conveyed to users will be condensed on most screens.

Occupation codes will no longer being used - Occupation codes are being replaced by a text field supplemented by a limited number of industry sector codes.

Removing the employer search and match data entry functionality – Users will no longer search for and match employer information for contributions or expenses in the system. A new employer record will be created every time a transaction is entered, improving overall speed and system performance.

Removing the contributor search and match data entry functionality - Contributors will no longer be merged into one contributor record for contributions entered from the same individual. Issues arose from trying to search for and use a set of contributor identification numbers; this slowed the overall system performance. As a result, in the future, the system will create a new contributor record for every contribution entered.

Making the Excel spreadsheet more user-friendly – Users who upload information into CFIS use an Excel spreadsheet that may be convoluted and difficult to complete for some users. A new, more intuitive Excel template is going to be used for the January Continuing 2010 filing period. This template will incorporate changes in field headings, field order and will have instructions for completing the report in Excel that make the process more user-friendly.

Removal of validation on non-required fields – With the exception of certain required information (such as amount of contribution), incorrect or missing data will no longer prevent a user from filing the committee’s report. For example, if the name of a contributor is left blank, the user can still file the report and a value of “Not Provided by Committee” will be entered for that missing field. Amounts, dates and the type of contribution are still required fields that must be entered correctly when filing a report.

Improvements in the Upload Process – A more detailed set of instructions on how the upload process works will be provided for users on the upload page. Language will be changed to inform users when information is accepted and when it is rejected. Additional functionality is being added that will allow users to more easily correct those transactions rejected by the system and reason codes for why transactions are being rejected will be made more informative.

Displaying all comments on the system generated reports – All comments entered by a committee on their finance report will be displayed to the public to allow the committee to further explain a particular transaction.

Filing reports on the due date - When a user finishes entering all of the committee’s transactions for a particular finance report, they will now have three options to choose. Option 1 allows the user to file the report now by providing the necessary electronic signature and the report will be immediately available to the public. Option 2 allows the user to file the report on the due date; the user will still provide the electronic signature at this time but the report will not be filed and available to the public until the due date. Option 3 allows the user to file the

report later and a pop-up message will appear informing the user that they have not filed their report and they must do so before the filing due date.

Improving the Public Search functionality – When a person searches information in CFIS, they will receive a pop-up message informing them that the information in the database cannot be used for commercial purposes. Users will also be able to search for and view summary reports for committees that display total receipts, total expenditures, and beginning and ending cash balances. The search functionality is also being evaluated and changes will be implemented in an effort to improve the search performance.

Review of system architecture and software by DET – DET has agreed to examine CFIS architecture and software to determine whether basic design changes are needed to enhance performance and functionality. Based on DET's recommendations, we may decide to change all or part of how CFIS operates.

ITEM J

Resolution of Ethics Division Enforcement Matters

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the October 5, 2009 Board meeting
TO: Government Accountability Board
FROM: Jonathan Becker, Division Administrator, Ethics and Accountability Division
SUBJECT: Ethics Division Investigative Activities and Statutory Violations from January, 2008 through September, 2009

Provided below is a summary of those forfeitures collected by the Government Accountability from January 2008 to the present time. Forfeitures collected by the Board were for actions taken in violation of Campaign Finance, Ethics and Lobbying law standards. Attachments A and B provide a detailed listing of those individuals or organizations that paid forfeitures in 2008 and 2009, the amount paid, and the reason for paying the forfeiture.

Standards of Conduct

Use of State Office for a Political Purpose

Chapter 19.45(5), *Wisconsin Statutes*, states that no state official may use or attempt to use the public office held to gain or influence unlawful benefits, privileges or benefits for themselves or others. Chapter 19.579, *Wisconsin Statutes*, provides enforcement authority for violating 19.45(5). In 2008, Representative Jeff Smith paid a \$50 forfeiture for using his public office for a campaign purpose. In 2009, Representative Don Pridemore paid a \$300 forfeiture and William Savage paid a \$500 forfeiture for using Representative Pridemore's state office for a campaign purpose. In total, the Board collected **\$850** in forfeitures.

Campaign Finance

Late filing of campaign finance report

Chapter 11.20, *Wisconsin Statutes*, requires campaign finance reports to be filed with the Government Accountability Board disclosing those receipts and expenditures made by campaign committees during the defined reporting period. Chapter 11.60(2), *Wisconsin Statutes*, provides any person, including any committee or group, who is delinquent in filing a report may be required to forfeit not more than \$50 or one percent of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency. In 2008, **14** committees filed late campaign finance reports and paid forfeitures ranging from **\$150** to **\$500**. In 2009, **5** committees filed late campaign finance reports and paid the following amounts:

Sinicki for Assembly	\$1,000
Friends of Tamara D. Grigsby	\$1,000
Friends of Scott Newcomer	\$1,000
Frd of Annette Polly Williams	\$1,000
Friends of Jason LaSage	\$ 250

In total, the Board collected **\$8,550** in forfeitures.

Late payment of filing fee

Chapter 11.055(1) and (3), *Wisconsin Statutes*, requires all committees that have over \$2,500 in disbursements for the calendar year and are not personal candidate committees to pay a \$100 filing fee to the Board. Chapter 11.60(2), *Wisconsin Statutes*, provides a fee increase of up to \$500 plus treble the amount of the fee due as a forfeiture for late payment of the fee. In 2008, **5** committees paid a late filing fee and forfeitures ranging from **\$100 to \$300**. In 2009, **19** committees paid a late filing fee and forfeitures ranging from **\$100 to \$300**. In total, the Board collected **\$4,500** in forfeitures.

Illegal Corporate Contribution

Chapter 11.38(1), *Wisconsin Statutes*, prohibits corporations from making contributions to political campaign committees. Chapter 11.60, *Wisconsin Statutes*, provides enforcement authority for any violations of 11.38(1). In 2009, **Joel's Water Street Auto** and **Kristin Dexter** each paid **\$280** in forfeitures for violating Chapter 11.38(1), *Wisconsin Statutes*. In total, the Board collected **\$560** in forfeitures.

Improper Solicitation

Chapter 11.36(2), *Wisconsin Statutes*, states that "No person may solicit or receive from any officer or employee of a political subdivision of this state any contribution or service for any political purpose during established hours of employment or while the officer or employee is engaged in his or her official duties." Chapter 11.60, *Wisconsin Statutes*, provides enforcement authority for violations of this prohibited practice. In 2009, **Tony Evers for State Superintendent** and **Jeff Dickert** each paid **\$250** in forfeitures for violating Chapter 11.36(2), *Wisconsin Statutes*. In total, the Board collected **\$500**.

Individual Contribution Limit Exceeded

In 2008, **4** individuals exceeded the individual contribution limit of \$10,000 in an election cycle. The four individuals and the forfeitures they paid are:

John Brogan	\$1,350
Gisela Brogan	\$1,350
John Burke	\$ 150
Patricia Kern	\$1,100

In total, the Board collected **\$3,950** in forfeitures.

Failure to Have Proper Disclaimer on Campaign Materials

Chapter 11.30(2), *Wisconsin Statutes*, requires a political communication to have a disclaimer identifying which committee or group is responsible for paying for the communication. Chapter 11.60, *Wisconsin Statutes*, provides enforcement authority and any committee, individual or group violating 11.30(2) is subject to a forfeiture of up to \$500. In 2009, **4** committees failed to provide a proper disclaimer on campaign materials. The committees and forfeitures paid are:

Radcliffe for Assembly	\$150
Skare for Assembly	\$300
Buckel for Assembly	\$ 50
Holperin – Senate	\$250

In total, the Board collected **\$750** in forfeitures.

Chapter 11.05, *Wisconsin Statutes*, requires an individual, committee or group that intends to raise and spend money in excess of \$25 in a calendar year to register with the Government Accountability Board. In 2008 a group called **All Children Matter** failed to register with the Board in a timely manner. They paid a forfeiture of **\$500**.

Additional Campaign Finance Forfeitures Collected

In 2008, the **Outagamie County Republican Party** accepted contributions from unregistered committees and paid a forfeiture of **\$237** for doing so. They also had a significant cash balance discrepancy on their campaign finance report and paid a forfeiture of **\$385**. In total, the Board collected **\$622** in forfeitures.

Financial Disclosure

Late filing of Statement of Economic Interests

Chapter 19.43(1), *Wisconsin Statutes*, requires all persons who as of January 1 are state public officials to file a Statement of Economic Interests no later than April 30th of that year. Chapter 19.43(7), *Wisconsin Statutes*, provides enforcement action the Board may take for those individuals who fail to make a timely filing. The Board provides filers a four day grace period for failing to file on time; on the fifth day, if an official files, a \$10 forfeiture is imposed. If an individual files 15 days past the due date, a \$50 forfeiture is imposed. In 2009, **5** officials paid a **\$10** forfeiture and **3** officials paid a **\$50** forfeiture for late filing, totaling **\$200** in forfeitures collected.

Lobbying

Late filing of Statement of Lobbying Activities and Expenditures report

Chapter 13.68(1), *Wisconsin Statutes*, requires every registered principal lobbying organization to file a Statement of Lobbying Activities and Expenditures report that is due on January 31 and July 31 that covers their lobbying activity in the previous six month reporting period. Chapter 13.69(1), *Wisconsin Statutes*, provides a penalty of up to \$5,000 for any principal organization who fails to comply with the requirements under 13.68(1). In 2008, **7** organizations filed a late Statement of Lobbying Activities and Expenditures; these organizations paid forfeitures ranging from **\$25** to **\$100** and in total, the Board collected **\$400**. All lobbying organizations filed on time for the first six month report in 2009.

Late notification of a lobbying communication

Chapter 13.67(1), *Wisconsin Statutes*, requires lobbying organizations to notify the Board within 15 days of making their first communication on a bill, budget bill subject, rule or topic. Chapter 13.69(2m), *Wisconsin Statutes*, provides a penalty of up to \$25 for each offense for first time offenders and penalty of up to \$100 for those organizations violating 13.67(1) for a second time in a three year period. In 2008, **9** organizations had late notifications of lobbying communications and paid forfeitures ranging from **\$25** to **\$225**. In 2009, **50** organizations had late notifications of lobbying communications and paid forfeitures ranging from **\$25** to **\$550**. In total, the Board collected **\$3,875** in forfeitures.

Improper campaign contribution

Chapter 13.625(1)(c), *Wisconsin Statutes*, allows lobbyists to make campaign contributions to candidate campaign committees for partisan state office, but only during the time period of June 1 through the date of the general election in a fall election year, and only if the legislature is not in

session. Chapter 13.69(2), *Wisconsin Statutes*, provides a penalty of up to \$1000 for any lobbyist who fails to comply with 13.625(1)(c). In 2008, **14** lobbyists made improper contributions to partisan candidate campaign committees and paid forfeitures ranging from **\$25** to **\$350**; in total the Board collected **\$2,484** in forfeitures.

Attachment A

2008 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
Anderl for Judge	\$150.00	Campaign Finance	Late Filing of Campaign Finance Report
Carol Law for Judge	\$150.00	Campaign Finance	Late Filing of Campaign Finance Report
McLaughlin for Judge	\$150.00	Campaign Finance	Late Filing of Campaign Finance Report
Stenz for Circuit Court	\$150.00	Campaign Finance	Late Filing of Campaign Finance Report
Allbaugh for Assembly	\$250.00	Campaign Finance	Late Filing of Campaign Finance Report
Allbaugh for Assembly	\$325.00	Campaign Finance	Late Filing of Campaign Finance Report
Marilyn Townsend	\$175.00	Campaign Finance	Late Filing of Campaign Finance Report
Milw Fire Chief Officers Assn	\$300.00	Campaign Finance	Late Filing of Campaign Finance Report
Milw Fire Chiefs Officers Association	\$500.00	Campaign Finance	Late Filing of Campaign Finance Report
Milwaukee Fire Chiefs Assoc PAC	\$500.00	Campaign Finance	Late Filing of Campaign Finance Report
Voters for Gearing Committee	\$150.00	Campaign Finance	Late Filing of Campaign Finance Report
Allbaugh for Assembly	\$500.00	Campaign Finance	Late Filing of Campaign Finance Report
Allbaugh for Assembly	\$500.00	Campaign Finance	Late Filing of Campaign Finance Report
Allbaugh for Assembly	\$500.00	Campaign Finance	Late Filing of Campaign Finance Report
Outagamie County Republican Party	\$385.00	Campaign Finance	Cash Balance Discrepancy
John Brogan	\$1,350.00	Campaign Finance	Contribution limit exceeded - Individual
Gisela Brogan	\$1,350.00	Campaign Finance	Contribution limit exceeded - Individual
John Burke	\$150.00	Campaign Finance	Contribution limit exceeded - Individual
Patricia Kern	\$1,100.00	Campaign Finance	Contribution limit exceeded - Individual
Outagamie County Republican Party	\$237.00	Campaign Finance	Contributions from unregistered committees
WI Legislative & Research Cmte	\$225.00	Campaign Finance	Failure to file EB-12
College Republicans-Univ of WI	\$300.00	Campaign Finance	Failure to pay Filing Fee
North Shore United Educators	\$100.00	Campaign Finance	Failure to pay Filing Fee
Progressive Majority	\$100.00	Campaign Finance	Failure to pay Filing Fee
WI Center for Economic Prosper	\$100.00	Campaign Finance	Failure to pay Filing Fee
Wood Co Republican Party	\$100.00	Campaign Finance	Failure to pay Filing Fee
All Children Matter	\$500.00	Campaign Finance	Late Registration of Campaign Committee
City of Madison	\$25.00	Lobbying	Failure to File Timely Report
E4, Inc.	\$100.00	Lobbying	Failure to File Timely Report
Fiserv Health	\$100.00	Lobbying	Failure to File Timely Report
Global Notice, Inc.	\$25.00	Lobbying	Failure to File Timely Report
Integrated Separation Solutions	\$25.00	Lobbying	Failure to File Timely Report

2008 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
The New Hope Project	\$100.00	Lobbying	Failure to File Timely Report
Wisconsin Funeral Directors Association	\$25.00	Lobbying	Failure to File Timely Report
David Crass	\$350.00	Lobbying	Improper Lobbyist Contribution
Jim Boullion	\$250.00	Lobbying	Improper Lobbyist Contribution
Karla Ashenhurst	\$100.00	Lobbying	Improper Lobbyist Contribution
Kristine Krause	\$250.00	Lobbying	Improper Lobbyist Contribution
Kurt Bauer	\$250.00	Lobbying	Improper Lobbyist Contribution
Maureen McNally	\$250.00	Lobbying	Improper Lobbyist Contribution
Melissa Mallot	\$25.00	Lobbying	Improper Lobbyist Contribution
Michael Strigel	\$125.00	Lobbying	Improper Lobbyist Contribution
Mike Semmann	\$209.00	Lobbying	Improper Lobbyist Contribution
Moria Fitzgerald	\$100.00	Lobbying	Improper Lobbyist Contribution
Roy Thilly	\$100.00	Lobbying	Improper Lobbyist Contribution
Todd Hoschbach	\$250.00	Lobbying	Improper Lobbyist Contribution
Vicki Elkin	\$125.00	Lobbying	Improper Lobbyist Contribution
AFSCME Council 11	\$25.00	Lobbying	Late Notification of a Lobbying Communication
Clean Wisconsin Inc	\$125.00	Lobbying	Late Notification of a Lobbying Communication
Gundersen Lutheran Administrative Services, Inc.	\$100.00	Lobbying	Late Notification of a Lobbying Communication
Insight Schools	\$75.00	Lobbying	Late Notification of a Lobbying Communication
National Rifle Association of America	\$225.00	Lobbying	Late Notification of a Lobbying Communication
River Alliance of Wisconsin	\$75.00	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Association of Distributors Inc.	\$75.00	Lobbying	Late Notification of a Lobbying Communication
Wisconsin ATV Association	\$25.00	Lobbying	Late Notification of a Lobbying Communication
American International Group	\$50.00	Lobbying	Late Notification of Lobbying Communication
Rose Oswald Poels	\$100.00	Lobbying	Improper Lobbyist Contribution
Jeff Smith for Assembly	\$50.00	Standards of Conduct	Use of State Resources for Campaign Purposes
TOTALS	\$14,006.00		

Attachment B

2009 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
Kristin Dexter	\$280	Campaign Finance	11.38 Corporate Contribution
Joel's Water Street Auto	\$280	Campaign Finance	11.38 Corporate Contribution
Anthony Evers	\$250	Campaign Finance	11.36(2) Soliciting Public Employee
Jeff Dickert	\$250	Campaign Finance	11.36(2) Soliciting Public Employee
Tamara Grigsby	\$1,000	Campaign Finance	Late Filing of Campaign Finance Report
Christine Sinicki	\$1,000	Campaign Finance	Late Filing of Campaign Finance Report
Scott Newcomer	\$1,000	Campaign Finance	Late Filing of Campaign Finance Report
Anette Polly Williams	\$1,000	Campaign Finance	Late Filing of Campaign Finance Report
Jason LaSage	\$250	Campaign Finance	Late Filing of Campaign Finance Report
Democratic Party of Wisconsin	\$200	Campaign Finance	Late Payment of Filing Fee
Outagamie Co Republican Party	\$200	Campaign Finance	Late Payment of Filing Fee
Kenosha Co Democratic Party	\$200	Campaign Finance	Late Payment of Filing Fee
Rep Party of Milwaukee Co	\$200	Campaign Finance	Late Payment of Filing Fee
State Senate Democratic Comm	\$200	Campaign Finance	Late Payment of Filing Fee
Metro Milw Assn of Commerce	\$200	Campaign Finance	Late Payment of Filing Fee
WPSR Employees PAC	\$200	Campaign Finance	Late Payment of Filing Fee
WI Nurses PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Sprinkler Fitters Local 183	\$200	Campaign Finance	Late Payment of Filing Fee
UNITE-HERE WI STATE COUNCIL PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Assurant Inc PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Service Employees Local 150	\$200	Campaign Finance	Late Payment of Filing Fee
Murphy Oil Corp PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Automobile Club of Michigan	\$200	Campaign Finance	Late Payment of Filing Fee
Community Bankers of WI PAC	\$200	Campaign Finance	Late Payment of Filing Fee
WI Physicians/Dentists PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Dean Health System	\$200	Campaign Finance	Late Payment of Filing Fee
WI PAC, Chicago Reg Carpenters	\$200	Campaign Finance	Late Payment of Filing Fee
Zeneca Inc PAC	\$200	Campaign Finance	Late Payment of Filing Fee
Mark Radcliffe - Radcliffe for Assembly	\$150	Campaign Finance	Failure to Have Proper Disclaimer on Campaign Material
Dick Skare - Skare for Assembly	\$300	Campaign Finance	Failure to Have Proper Disclaimer on Campaign Material
Buckel for Assembly	\$50	Campaign Finance	Failure to Have Proper Disclaimer on Campaign Material

2009 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
Holperin - Senate	\$250	Campaign Finance	Failure to Have Proper Disclaimer on Campaign Material
Jose Carillo	\$10	Financial Disclosure	Late Filing of Statement of Economic Interests
Timothy Boehmer	\$10	Financial Disclosure	Late Filing of Statement of Economic Interests
Lief Erickson Jr.	\$10	Financial Disclosure	Late Filing of Statement of Economic Interests
Bhupinder S. Saini	\$10	Financial Disclosure	Late Filing of Statement of Economic Interests
Jamie L. Tomei (formerly Oliver)	\$10	Financial Disclosure	Late Filing of Statement of Economic Interests
Ken Thompson	\$50	Financial Disclosure	Late Filing of Statement of Economic Interests
Kurt Koepler	\$50	Financial Disclosure	Late Filing of Statement of Economic Interests
Ruth Anderson	\$50	Financial Disclosure	Late Filing of Statement of Economic Interests
Wisconsin Agri-Service Association	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Council of Life Insurers	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Housing Alliance	\$25	Lobbying	Late Notification of a Lobbying Communication
Consumer Safety Technology Inc	\$50	Lobbying	Late Notification of a Lobbying Communication
Citigroup Management Corporation	\$50	Lobbying	Late Notification of a Lobbying Communication
Domtar Industries Inc.	\$150	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Technical College District Boards Association Inc	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Early Childhood Association Inc	\$75	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Troopers Association Inc	\$25	Lobbying	Late Notification of a Lobbying Communication
National Rifle Association of America	\$150	Lobbying	Late Notification of a Lobbying Communication
Transit Now	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Coalition for Consumer Choice	\$75	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Association of Surgical Technologists	\$25	Lobbying	Late Notification of a Lobbying Communication

2009 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
United Way of Dane County	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Puppy Mill Project, Inc.	\$150	Lobbying	Late Notification of a Lobbying Communication
Madison Teachers Inc.	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Farmers Union	\$25	Lobbying	Late Notification of a Lobbying Communication
Wellpoint Inc./Anthem Blue Cross Blue Shield of Wisconsin	\$25	Lobbying	Late Notification of a Lobbying Communication
Rock County	\$75	Lobbying	Late Notification of a Lobbying Communication
Action Wisconsin Inc d/b/a Fair Wisconsin	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Environment, Inc.	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Paper Council	\$25	Lobbying	Late Notification of a Lobbying Communication
Messerli and Kramer PA	\$25	Lobbying	Late Notification of a Lobbying Communication
Rausch, Sturm, Israel, Enerson & Hornik, LLC	\$25	Lobbying	Late Notification of a Lobbying Communication
Resurgence Financial, LLC	\$25	Lobbying	Late Notification of a Lobbying Communication
Standard Process Inc.	\$25	Lobbying	Late Notification of a Lobbying Communication
E4, Inc	\$50	Lobbying	Late Notification of a Lobbying Communication
Jennie-O Turkey Store Incorporated	\$25	Lobbying	Late Notification of a Lobbying Communication
United Council of UW Students	\$550	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Utility Investors Inc	\$25	Lobbying	Late Notification of a Lobbying Communication
Marshfield Clinic	\$50	Lobbying	Late Notification of a Lobbying Communication
River Alliance of Wisconsin	\$225	Lobbying	Late Notification of a Lobbying Communication
Southeast Dental Associates	\$50	Lobbying	Late Notification of a Lobbying Communication
American Farmland Trust	\$25	Lobbying	Late Notification of a Lobbying Communication
Common Cause in Wisconsin	\$25	Lobbying	Late Notification of a Lobbying Communication

2009 Ethics and Accountability Division Forfeitures Paid

Name	Amount	Program Area	Reason
Madison Metropolitan School District	\$150	Lobbying	Late Notification of a Lobbying Communication
Wisconsin State Council of Carpenters	\$125	Lobbying	Late Notification of a Lobbying Communication
Alzheimer's Association, S.C. Chapter	\$25	Lobbying	Late Notification of a Lobbying Communication
Racine Area Manufacturers and Commerce	\$75	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Guild of Midwives	\$75	Lobbying	Late Notification of a Lobbying Communication
UST Public Affairs Inc	\$50	Lobbying	Late Notification of a Lobbying Communication
National Popular Vote	\$25	Lobbying	Late Notification of a Lobbying Communication
Goff & Howard for Polaris Industries	\$50	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Occupational Therapy Association	\$25	Lobbying	Late Notification of a Lobbying Communication
Madison Area Builders Association	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Land Information Association	\$50	Lobbying	Late Notification of a Lobbying Communication
Sentry Insurance Group	\$25	Lobbying	Late Notification of a Lobbying Communication
Wisconsin Professional Police Association	\$25	Lobbying	Late Notification of a Lobbying Communication
Milwaukee Teachers Education Association	\$50	Lobbying	Late Notification of a Lobbying Communication
Apartment Association of South Central Wisconsin	\$75	Lobbying	Late Notification of a Lobbying Communication
State Representative Don Pridemore	\$300	Standards of Conduct	Use of State Resources for Campaign Purpose
William Savage	\$500	Standards of Conduct	Use of State Resources for Campaign Purpose
Total 2009 Forfeitures Collected			\$13,960.00
Total 2008-2009 Fofeitures Collected.			\$27,966.00

ITEM K

Director's Report

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009, Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Nathaniel E. Robinson
Elections Division Administrator

SUBJECT: Elections Division Activities

Election Administration Update

Introduction

Since the Government Accountability Board's August 10, 2009, meeting, the Elections Division has focused on the following tasks:

Noteworthy Election Administration Activities

1. Staff incorporated Board's changes into the 2009-2014 Election Administration Plan and submitted the GAB-adopted Plan to the Wisconsin Legislative Joint Committee (JCF) on Finance. Consideration of the Plan has been added to the JCF meeting agenda; however, a date/time for that meeting has not been set.
2. A major portion of staff members' time has been devoted to participating in meetings with county and municipal clerk partners in Madison and in eight venues throughout Wisconsin, regarding suggestions and recommendations on making the G.A.B./Clerk Partnership more effective, especially in the area of communications. As a result these listening sessions, staff developed and are implementing a protocol that should lessen the frequency and intensity of mass communication to clerks.
3. On September 14, 2009, staff attended and made presentations at the Wisconsin County Clerks Association's 2009 Winter Convention in La Crosse.

4. On September 15, 2009, at the request of the Pepin County Clerk, staff made a presentation to the Pepin County Board of Supervisors' Finance Committee on the increased cost of conducting elections post implementation of the Help America Vote Act (HAVA) of 2002. Feedback from the Clerk indicated that the impact of the visit is already having favorable results.
5. Guidance was developed and provided to clerks on the conduct of elections during a possible H1N1 pandemic.
6. SVRS Checklists for the 2010 Election Cycle were drafted and shared with requesting clerks.
7. A 2009 Accessibility Grant Program was launched to expend the remaining 2004 Accessibility funds (\$102,000), by September 29, 2009. The purpose of the grant program is to assist municipalities with expenses related to polling place improvements specifically targeted toward increasing access for individuals with disabilities. Improvements are intended to provide voters with disabilities the same access to the polling place as other voters, and allow them to vote privately and independently.

Disabilities may include (but are not limited to) visual, auditory, cognitive, mobility and/or dexterity impairments. Municipalities can increase accessibility by establishing or improving parking, signage, pathways, ramps, door hardware, accessible entrances, and the voting area aids such as accessible voting booths, page magnifiers, and signature guides.

615 applications were received, requesting over \$242,700 dollars. Eligible municipalities were limited to a maximum of \$1500 per polling place for handicapped accessible improvements. All 2004 Accessibility funds had to be expended by September 29, 2009. Any unspent 2004 Accessibility funds were required to be returned to the U. S. Treasury. Staff is pleased to report that 100% of the 2004 Accessibility funds were used to benefit and improve the voting experience of disabled voters in Wisconsin!

8. Preparing Recommendations for New Voting Systems: Recently, the U.S. EAC certified two voting equipment manufacturers that currently have voting system approved for use in Wisconsin. Those two voting systems are the Election Systems & Software (ES&S) Unity 3.2.0.0 and Premier Election Solutions Assure 1.2. Government Accountability Board (Board) staff has been working with the manufacturers to plan testing and develop a comprehensive test schedule to be conducted in the Board's Conference Room on September 29, 2008 through September 30, 2009.

As required by Administrative Code Chapter 7, staff will be conducting three separate mock elections (Presidential Preference, Partisan Primary, and General Election) for each voting system. There will be a public demonstration on September 30, 2009, from 5:00 p.m. – 7:00 p.m. Additionally, the Wisconsin Election Administration Council is scheduled to meet October 1, 2009 from 9:30 a.m. – 12:00 Noon to assist in the review of the voting system and formulate a recommendation to the Board. The Board will consider recommendations at its November 9, 2009, meeting.

9. Efforts to Bring Classroom Training Closer to Clerks: Staff is consulting with an education software vendor that offers a product called "Wimba." Using Wimba will make it possible to design and develop an online interactive and collaborative learning

platform for staff and clerks. The Wimba classroom will allow staff to facilitate virtual training sessions; thereby, giving election officials the ability to attend training sessions online or on demand through a recorded, archived training session.

In addition to the Wimba initiative, staff is also exploring options for migrating in-person classroom training of Municipal Clerk Training, Basic Chief Inspector Training and Poll Worker Training to an online platform.

10. Post Election Voting Equipment Audit: Section § 7.08 (6) of the Wisconsin Statutes applies section 301 (5) of the Help America Vote Act (HAVA) and requires the Government Accountability Board to audit each voting system that is used in the State following each General Election. Fifty-two (52) municipalities were randomly selected to audit their voting systems used during the November 4, 2008, General Election and Presidential Election. The audit consists of a hand-count of the ballots (and reconciling errors and documenting) that were tabulated by the electronic voting equipment. Each reporting unit selected for audit is eligible to receive reimbursement up to \$300.00 for expenses occurred during the audit.

The post-election audit of the electronic voting equipment requires precision and correctness. All hand-count results need to match the electronic voting equipment results report exactly. Any variance discovered must include a specific explanation detailing the specific reason for the difference for each reporting unit audited. There were twenty-two (22) municipalities that provided incorrect or incomplete responses and each municipality was contacted and asked to re-do the audit or explain the reason for variance. There are eleven (11) municipalities that decided to have Board staff conduct the audit on their behalf. Staff is in the process of conducting reviews.

Other Noteworthy Initiatives:

1. Voter Data Interface

Clerks continue to use SVRS to run HAVA Checks to validate against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) for felon information, and Department of Health Services (DHS) for death data, as part of on-going HAVA compliance.

Clerks process HAVA Checks and confirm matches on an ongoing basis during the course of their daily election administration tasks, having done so since the Interfaces became functional in SVRS on August 6, 2008. The numbers reported in the table below should not be confused with the Retroactive HAVA Check process. Retroactive HAVA Check information is in addition to the HAVA Checks performed by our clerks.

Since the Board's last meeting, between first of the August and September 18, 2009, clerks processed approximately 1,319 HAVA Checks with DOT/SSA in SVRS.

2. Retroactive HAVA Checks Status

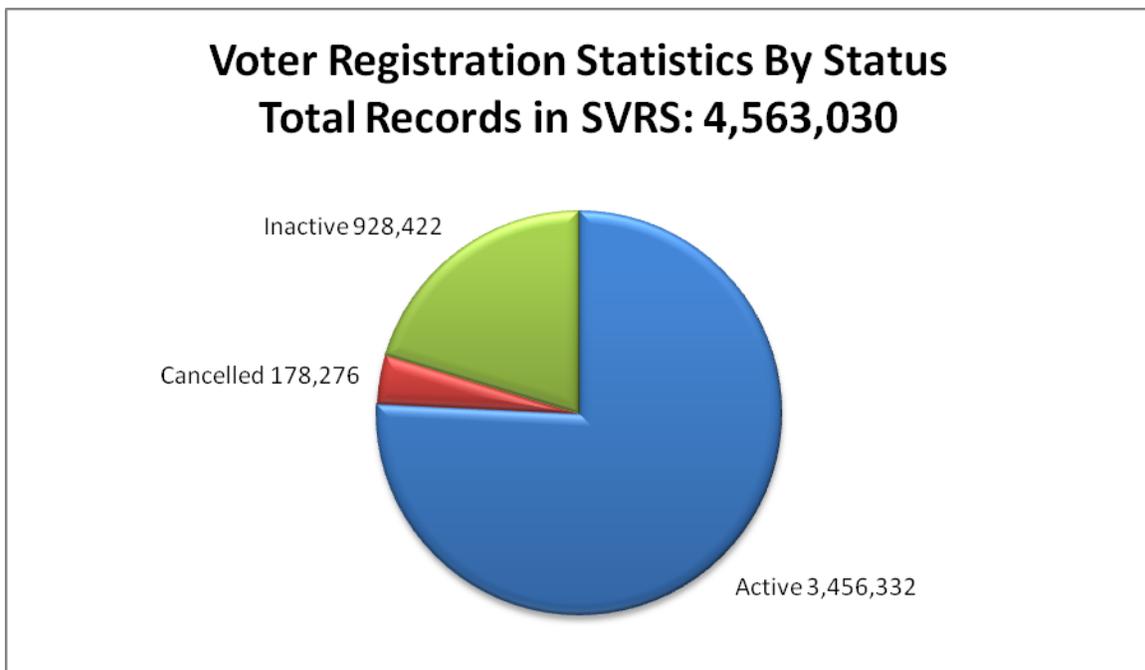
As previously reported, on July 31, 2009, staff sent letters to approximately 87,000 voters who had a Retroactive HAVA Check result in a non-match. The response from voters to these letters was greater than anticipated and was so overwhelming that staff and

equipment had insufficient capacity to handle the volume of responses. This caused many voters to not be able to get through to a staff person to verify information.

16 temporary personnel were hired to assist (answer calls, return voicemails and respond to emails, etc.). More than 9,000 voters sent e-mails to the Board in response to the letters, and approximately 560 voters made contact via USPS or fax. Approximately 5,550 voters who left messages, and 560 voters who sent letters or faxes have been responded to or had their information validated. Approximately 1,800 of the voters who sent e-mails to G.A.B. still need a contact.

As of the date this memorandum is prepared, updated information for approximately 25,000 voters will need to be entered into SVRS and HAVA Check rerun. Limited Term Employees (LTEs) have been requested to assist with liquidating remaining tasks from the first wave of letters and for the 16,000 additional letters to be distributed.

3. Voter Registration Statistics



Note: An Active Voter is one whose name will appear on the poll list.
A Cancelled Voter is one who will not become active again, e.g. deceased person.
An Inactive voter is one who may become active again, e.g. convicted felon.

4. Efforts to Improve the Statewide Voter Registration System's Performance

An SVRS Request for Information (RFI) on August 18, 2009. The RFI seeks information from vendors regarding software maintenance services, replacement SVRS systems that may be available, services related to hardware and infrastructure management, and services related to the upcoming redistricting. Responses were due September 18; 10 were received. The Team will review responses and determine if oral interviews are necessary. A final report will be prepared. This information will also be used to prepare recommendations on the future improvements of the SVRS.

5. Online Voter Registration Initiative

The Online Voter Registration Team last met on July 30, 2009. The committee is charged with researching other states' online registration best practices and advising on how online voter registration can become a reality in Wisconsin. A project plan and charter are under development. As part of the data gathering phase of this project, G.A.B., DET, and DOT staff will be participating in a telephone conference on September 28, to discuss the possibility of instant verification of DMV identification information providing for real-time HAVA Checks. The ability to have real-time DMV verification would greatly enhance online registration capability.

6. Improving the Canvass Process

The Team to improve the canvas process and retire G.A.B.'s current election administration software, SWEBIS II, is conducting a gap analysis to determine what enhancements are needed to transition the ballot access and canvas process to SVRS.

7. G.A.B. Help Desk

The Help Desk is now supporting over 1,696 active SVRS users. Since July 2009, in addition to their regular duties, Help Desk staff coordinated and managed the rollout of new computer equipment to all staff, the migration of G.A.B. SASI Shares directories to a new SASI server and coordinated the migration of the Ethics Division computing environment over to the State DOA SASI environment. Help Desk staff worked on setting up servers and installing two new training environments for use during upcoming SVRS training sessions.

Incoming call volume at the Help Desk for July was 295 from clerks requesting assistance. On August 3, the Help Desk began receiving calls from voters who received the Retroactive HAVA Check Letter. As of September 18, the Help Desk has received over 15,000 calls from voters. The Help Desk email system had received 12,300 messages from voters who responded to the Retroactive HAVA Check Letter.

8. Voter/Felon Comparison Audit

After all information relating to registrations was made in SVRS for the November 2008 Presidential and General Election, SVRS staff compared the list of voters with a list of felons still under supervision on Election Day, as provided by DOC. 213 voters were matched and the list was sent to DOC for confirmation that the felons on the list were indeed still under supervision on Election Day. Once the verification by DOC staff was completed, a list of 195 remaining voters was sent to affected clerks to review for accuracy. The 78 affected clerks had until September 21 to respond. G.A.B. will notify the appropriate district attorney for the county where the polling place is located, when a name of a person was found who is on the DOC list and was a voter in SVRS.

Ongoing Activities

- A . Voting Systems Evaluations: The process of determining the charge and role of a standing voting systems technical advisory committee to review voting equipment needs continues. Membership will likely include representatives from our local election partners (clerks), DOA's Division of Enterprise Technology and the Division of Gaming,

and UW-Madison's School of Engineering and Department of Computer Science, private sector representatives, etc.

- B. Online Municipal Clerk, Poll Worker and Chief Inspector Training: The process continues for determining a vendor to convert in-person, face-to-face classroom classes into an online platform for making education and training available to Municipal Clerks, Poll Workers and Chief Inspectors 24/7.
- C. Election Administration Manual Updated: This manual has been updated for preparation for a new round of Municipal Clerk Training sessions that will begin this fall.
- D. Monitoring Progress of Upgrading Canvass Capability: The Department of Administration, Division of Enterprise Technology, is designing and engineering a web-based, online platform for switching ballot access and canvass reporting from an old, inefficient and unreliable database (SWEBIS2) to SVRS. This new system will have the capability to collect election night data, even though it will be unofficial. Having any election night and in-progress data available will increase transparency and public confidence. The work is proceeding as planned. Funding from the Data Grant will support this initiative.
- E. Preparing for the 2010 Elections: Completing WisLine Materials for October 7 Session ("Completing Election-Day Forms and Counting Votes) and October 21 Session ("Appointing Election Officials"), and preparing "Offices up for Election" list for Fall 2010.
- F. Administration of the Wisconsin Election Data Collection System (WEDCS): Implementation of this competitively awarded grant is proceeding on schedule. The extended grant period ends June 30, 2010.

30-Day Forecast

1. Staff makes a presentation to the Wisconsin Towns Association Annual Conference Tuesday, October 13, 2009.
Stevens Point, WI.
2. Participate in Clerks' Training Listening Sessions
Various venues around the State.
Venues are being determined.

Action Items

This is an informational update. No action is required of the Board at this time.

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/11/2009 – 10/4/2009

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
SVRS "Initial" Application and Election Management	Instruction in core SVRS functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the SVRS application software.	2 classes conducted in Oconto Falls and Ashland	30
SVRS "Advanced" Election Management	Instruction for those who have taken "initial" SVRS training and need refresher training or want to work with more advanced features of SVRS.	3 types of classes: Election Management; Absentee Process; HAVA Interfaces, Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	3 classes conducted in Racine, Oconto Falls and Ashland	75
Voter Registration	Basic training in adding voter registration applications, searching for voters, updated voters.	3 hours	Municipal and county clerks, staff and temp workers who provide election support only.	The WBETS site is available to train temporary workers.	Ongoing, self-directed training is available online.
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	13 classes conducted in varied locations across Wisconsin for new municipal clerks or clerks who lost their certification.	60

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/11/2009 – 10/4/2009

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Special Registration Deputy	2005 Wisconsin Act 451 allows a qualified elector of Wisconsin to be appointed as a Special Registration Deputy (SRD) for the purpose of registering electors of any municipality in Wisconsin during periods of open voter registration.	2 hours	Qualified electors in Wisconsin.	4 classes conducted in Rhinelander, Wausau, Appleton and Milwaukee.	80
WBETS	Web Based Election Training System. Still under development. Reference materials were made available to the clerks in February; voter registration training made available to clerks 3/24/2008.	Varies	County and municipal clerks and their staff.	Phase 1 of eLearning training plan close to completion; Phase 2 under discussion.	Site is available for clerks to train temp workers in data entry; relies are also able to access the site upon request.
HAVA Interfaces	Instruction in the user of the interface functionality in SVRS to check death records, felon records, DOT records and duplicate records against voter records as part of HAVA compliance requirements.	2 hours	All clerks (staff as determined by clerk).	Pilot of web-based training presented to the Standards Committee on May 14, 2008. Lessons available online June 2, 2008.	Eventually 2000+

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/11/2009 – 10/4/2009

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other assignments	<ul style="list-style-type: none"> • Trainers working on a report summarizing the Early Voting Listening sessions they conducted through August 2009. • Training Coordinator developing a Training Listening session schedule and agenda for fall 2009. • Elections staff working on a plan for the migration of training materials to an online format. 				

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 5, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Legal Counsel
Wisconsin Government Accountability Board

Prepared by: Jonathan Becker, Administrator
Ethics and Accountability Division

SUBJECT: Ethics and Accountability Division Program Activity

Campaign Finance Program

Richard Bohringer, Tracey Porter and Dennis Morvak, Campaign Finance Auditors

Filings:

1,293 committees were required to file July Continuing 2009 campaign finance reports with the Government Accountability Board. As of September 23rd, the Board has received 1,273 reports. Of those reports received, 993 reports were filed electronically and 280 reports were received via paper copy.

As of September 24th, there are **13** committees that have not filed campaign finance reports for the July Continuing 2009 report period. The non-filers include 5 candidates, 2 political parties, 3 PACs, 1 corporation, and 2 conduits. Staff sent postcard reminders. E-mail reminders, made phone calls to committee contacts, and mailed final notice letters to every committee that did not timely file.

Lobbying Update

Tommy Winkler, Ethics Specialist

Chapter 13.68, Wisconsin Statutes, requires all registered lobbying organizations to complete a 6 month Statement of Lobbying Activities and Expenditures (SLAE) report that contains information related to the organizations' lobbying effort between January 1 and June 30. The SLAE report is due on or before July 31. As a part of the SLAE report, those lobbyists who are authorized to lobby for an organization are required to complete a time report for each organization on whose behalf the lobbyist acts that identifies those hours spent communicating or working on other lobbying related matters for the organization. This report is also due on or before July 31. Both reports are filed electronically. Government Accountability Board staff contacted 700 registered organizations and 720 lobbyists to remind them of this filing requirement.

Included in the table below is performance information related to the first lobbying reporting period for the 2009-2010 legislative session. All 701 organizations filed their 6 month report on time. After completing an audit of the information filed, G.A.B. staff discovered 89 organizations that failed to timely notify the Board of a lobbying communication made on a bill, budget bill subject, rule or topic as required by Chapter 13.67(1), *Wisconsin Statutes*. Staff contacted representatives from each of the organizations and in total, collected \$3,075 in forfeitures. Staff has also conducted five lobbying training seminars in May and two in September, with an additional training seminar scheduled for October 7th.

TABLE

2009-2010 Legislative Session: January to June Lobbying Report Information	
Principal Organizations Filed	701 = 100 % filed
Lobbyist Time Reports Filed	1502 = 100% filed

Financial Disclosure Update
Tommy Winkler, Ethics Specialist

Government Accountability Board staff is preparing for the 2010 Statement of Economic Interests filing period. Database records, forms, instructions and reports are all being updated to reflect the upcoming filing year. Staff has been in contact with the Office of Judicial Education to confirm those municipal court judge positions that are up for election in 2010. Municipal judge candidates, as well as state court candidates are required under Chapter 19.43(4), *Wisconsin Statutes*, to file a Statement of Economic Interests with the Government Accountability Board in order to have their name appear on the ballot for the spring election. Statements will be mailed out to incumbent judges in November. Staff also sent out quarterly financial disclosure statements to 37 State Investment Board members on Monday, September 28th. These statements are to be completed and returned to the G.A.B. no later than October 31st, 2009.

Contract Sunshine Update
Tommy Winkler, Ethics Specialist

Staff continues to process transactions reported by state agencies into the Contract Sunshine website application. Staff has worked with Sundial Software consultants to correct some functional issues in the application in order to facilitate agencies' ability to file information. Due to a lack of staff resources, the testing of the application's second version has not been completed. If additional resources become available, testing of the system's new version would be conducted and the updated version of the program would be released for use. Training of state agencies' procurement staff on the new version of the application would then be conducted.

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 5, 2009 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, Special Assistant to the Director
Reid Magney, Public Information Officer

SUBJECT: Administrative Activities

Agency Operations

Introduction

The primary administrative focus for this reporting period has been on procuring goods and temporary services, staff recruitments, communicating with agency customers and presentations.

Noteworthy Activities

1. Procurement

It has been extremely busy for the purchasing staff over the past six weeks. There were several complex, labor intensive procurement projects/requests that resulted in countless hours of research to ensure the needs of program staff were met, while adhering to state procurement rules and regulations.

Procurement staff assisted in securing temporary data-entry services from a contracted vendor to return calls from thousands of voters as a result of the Retroactive HAVA Check initiative and to process applications for the 2009 Polling Place Accessibility Improvement Grants Program.

Staff also ordered all the equipment/supplies for the 2009 Polling Place Accessibility Improvement Grants Program and secured storage space for the equipment/supplies until the applications were approved and the equipment could be distributed to the municipalities.

Additionally, there were several multifaceted printing and mailing projects that were completed.

2. Staffing

On September 23, staff began interviewing to fill a vacant Operations Program Associate position. We are also working on securing authorization to fill a vacant high-level administrative support staff position and requesting authorization to hire several LTEs to assist in the second round Retroactive HAVA Check initiative.

3. Communications Report

Since the August 10, 2009, the Public Information Officer has responded to numerous media inquiries, and planned communications strategy in furtherance of the Board's mission.

News releases were written on several topics, including: the Early Voting study, Wisconsin Election Administration Council meetings, the SVRS Retro HAVA Check letters, Lobbying Reports, the G.A.B.'s Furlough Schedule, an American University study lauding Wisconsin's election system, and Voting Equipment Testing.

The agency has made a significant commitment to improving its web site, especially the need to consolidate the former Elections and Ethics boards' sites. A web site team has been meeting weekly, and is well into the process of designing the new, consolidated G.A.B. web site, which will respond to requests heard frequently during recent Clerk Communication sessions for better organization. The new site should be up later this fall.

The Public Information Officer also helped Board staff to prepare testimony for Legislative hearings on a variety of topics, including: Campaign Finance Information System, Felon Voting Re-enfranchisement and Voter Intimidation. We also organized a presentation and reception for an East African delegation from Marquette University.

4. Meetings and Presentations

The Director and General Counsel had several informal meetings and contacts with key agency stakeholders related to agency information technology issues, proposed legislation, the agency budget, and the Campaign Finance Information System (CFIS). I monitored several meetings organized by the Elections Division related to the State Election Administration Plan, early voting, 2010 census planning, SVRS enhancements, the election data grant and clerk communications. I also monitored Ethics and Accountability Division presentations on lobbying and CFIS planning.

On August 27, 2009, Jon Becker and Kevin Kenedy made a presentation in our conference room to a delegation of public officials from Kenya, Tanzania and Uganda on

behalf of the Les Aspin Center's Democracy and Government Training Program at Marquette University.

Agency staff was active in monitoring legislative activity related to the agency. On September 1, 2009, I testified at a hearing of the Assembly Committee on Elections and Campaign Reform about user concerns with the CFIS application. Judges Barland, Myse and Nichol also attended the hearing along with Jonathan Becker and other agency staff.

I also testified at the following legislative hearings:

August 27, 2009 for information on 2009 Assembly Bill 353 relating to restoring the right to vote to certain persons barred from voting as a result of a felony conviction and changing the information required on voter registration forms before the Assembly Committee on Corrections and the Courts.

September 2, 2009 for information on 2009 Senate Bill 279 relating to deceptive election practices; voter intimidation, suppression, and protection; before the Senate Committee on Labor, Elections and Urban Affairs.

September 15, 2009 for information on 2009 Assembly Bill 330 relating to requirements for certain electors who vote by absentee ballot; 2009 Assembly Bill 406 relating to challenging the ballots of electors at polling places; before the Assembly Committee on Elections and Campaign Reform

In August I attended the summer meeting of the National Association of State Election Directors (NASSED) as well as the Election Center's Annual Conference. As part of the Election Center Conference, I participated in the Professional Education Program Committee meeting and attended a renewal class for my Certified Election and Registration Administrator (CERA) certification.

On September 17, 2009 I participated in a panel discussion as part of the conference Judicial Elections: Navigating the Collision Course in Stevens Point. My presentation focused on the Board's proposed rules regulating campaign speech.

The Pew Charitable Trusts Center on the States has included me along with several other state and local election officials on its Voter Registration Modernization Design Working Group. The goal of the working group is to identify practices and policies that will enhance the efficiency, accuracy and integrity of voter registration records and achieve significant cost savings through the use of technology. The working group consists of 20 state election officials, 7 local election officials, 4 political scientists along with several computer scientists and policy analysts. PEW has scheduled a series of meetings which I have participated in on June 4 and 5, July 30 and 31, and August 24 and 25, 2009.

Looking Ahead

The staff will continue to work with the Legislature on legislative initiatives and carryout a number of organization functions related to ongoing investigations, administrative rule

promulgation, informational manual revisions, preparing for the 2010 election cycle and the agency website.

Action Items

None