

Monday, October 11, 2010 – 9:30 A.M.

Open Session*

G.A.B. Board Room

212 East Washington Avenue, Third Floor

Madison, Wisconsin

*The Board may convene in closed session and return to open session to consider any remaining open session items.

A.	Call to Order	<u>Page #</u>
B.	Director’s Report of Appropriate Meeting Notice	
C.	Minutes of Previous Board Meetings	
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J. 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.

K. Reconvene in Open Session

The Government Accountability Board has scheduled its next meeting for Monday, December 13, 2010. The public may attend the meeting at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin, beginning at 9:30 am.

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

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

DRAFT

Not yet
approved by
the Board

Wisconsin Government Accountability Board
Risser Justice Center, 120 Martin Luther King, Jr. Blvd.
Madison, Wisconsin
August 30, 2010
9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Held a public hearing on Administrative Rule GAB 1.91	2
B. Approved guidelines regarding lobbyists and campaign solicitation and fundraising	3
C. Approved Statement of Scope for GAB 3 and GAB 12	3
D. Approved Permanent Rule GAB 1.91	4
E. Approved Notice of Proposed Order Adopting Rule Creating ch. GAB 26	4
F. Approved Initiatives for Automating Voter Registration Process	6
G. Approved Upgrades to AutoMARK voting equipment	7
H. Approved 2011 G.A.B. meeting schedule	7

Present: Judge Gordon Myse, Judge Thomas Barland, Judge Michael Brennan, and Judge Thomas Cane, and Judge David Deininger

Staff present: Kevin Kennedy, Jonathan Becker, Nathaniel E. Robinson, Shane Falk, Michael Haas, Barbara Hansen, Sharrie Hauge, Tommy Winkler, Diane Lowe, Ross Hein, Sarah Whitt, Ann Oberle, Allison Coakley, and Reid Magney

A. Call to Order

Chairperson Myse called the meeting to order at 9:30 a.m.

B. Director's Report of Appropriate Meeting Notice

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

C. Approval of Minutes of Previous Meetings

MOTION: Approve the minutes of the July 21-22, 2010 and August 9, 2010 meetings of the Government Accountability Board. Moved by Judge Cane, seconded by Judge Deininger. Motion carried unanimously.

D. Public Hearing on GAB 1.91

Staff Counsel Shane Falk opened the hearing with a brief presentation about the rule regarding Organizations Making Independent Disbursements, which was promulgated following the *Citizens United v. FEC* case decided by the United States Supreme Court earlier in 2010 and the close of the Legislative Session without the Legislature passing legislation to address the decision. An Emergency Rule was also put in place to address the gap before the permanent rule goes into effect, through the General Election on November 2, 2010.

Mike McCabe of the Wisconsin Democracy Campaign testified in support of the rule, calling it a much-needed and important response to *Citizens United*. He said the rule provides less disclosure than the public deserves, but as much disclosure as state law allows.

Hearing no further comments, Judge Myse closed the public hearing.

E. Public Comment

1. **Attorney Mike Wittenwyler of Madison** appeared on behalf of the Association of Wisconsin Lobbyists to disagree with the staff's memo on invitations to fund-raisers. Speaking on his own behalf, he asked the Board to delay action on two draft guidelines on individual political activities and on disbursements because he just saw them.
2. **Paul Malischke of Madison** appeared on his own behalf to speak in favor of two online voter registration initiatives and against automatic voter registration at the Division of Motor Vehicles because of the time and expense.
3. **Bob Spindell of Milwaukee** appeared on his own behalf to express concerns about the 45,000 people who had not responded to the retroactive HAVA Check ping letters. He said these people should have to reregister to vote.
4. **Peter Theron of Madison** appeared on his own behalf to support voter list cleanup. He said people who cannot be found deserve to be marked as inactive.
5. **Mark Musselman of New Berlin** appeared on behalf of the Wisconsin GrandSons of Liberty to urge the Board to remove the 18,000 to 20,000 people whose HAVA Check ping letters came back undeliverable and to re-contact the 45,000 people who did not respond to the HAVA Check letters.
6. **Jean Smith of Madison** appeared on her own behalf to express concern about voter fraud and suggested an ID card for voters.

7. **Maryanne Hanson of Brookfield** appeared on her own behalf to urge the Board to remove people from the voter list if they do not respond to HAVA Check letters, and to express concerns about the Statewide Voter Registration System.
8. **Ardis Cerny of Pewaukee** appeared on her own behalf and asked questions about the cost of the Statewide Voter Registration System and the Board's budget.
9. **Joel Gratz of Madison** appeared on behalf of America Votes to support the Board's online voter registration efforts.
10. **Jon Waclawski** appeared on behalf of the Republican Party of Wisconsin to express concern about HAVA Check non-matches. He said non-matches should be required to register to vote again on Election Day.

Chairperson Myse called a recess at 10:31 a.m. The Board reconvened at 10:42 a.m.

F. Proposed Campaign Finance guidelines

1. Furnishing – Solicitation Issue (Guidelines 249, 250, 255)

Ethics and Accountability Division Administrator Jonathan Becker introduced proposed guidelines on lobbying and campaign finance issues.

Discussion.

MOTION: To approve publication of Guidelines 249, 250 and 255, with the addition of language spelling out when contributions are permitted. Moved by Judge Cane, seconded by Judge Nichol. Motion carried unanimously.

2. **Personal Political Activity**
3. **Independent Disbursement Organizations**

Staff Counsel Michael Haas introduced two proposed guidelines on personal political activity and independent disbursement organizations, which were distributed to interested parties for feedback. He recommended that the Board postpone consideration of the guidelines so that staff could review feedback to be provided by Attorney Wittenwyler.

Discussion.

MOTION: To set consideration of the two guidelines over until the September meeting of the Board. Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

G. Administrative Rules

1. Statement of Scope Relating to GAB Chapter 3 – Voter Registration and GAB Chapter 12 – Certification and Training of Municipal Clerks.

Training Coordinator Allison Coakley and Staff Counsel Michael Haas presented changes that would provide for consistent terms for local election officials, making training easier to administer and track.

MOTION: Pursuant to §§5.05(1)(f) and (c), and 227.11(2)(a), Wis. Stats., approve the proposed Statement of Scope, and direct staff to proceed with promulgation of amendments to GAB 3.01 and GAB 12.01. Moved by Judge Deininger, seconded by Judge Cane. Motion carried unanimously.

2. Approval of Permanent Rule GAB 1.91 – Organizations Making Independent Disbursements

Staff Counsel Shane Falk presented the Board with Permanent Rule GAB 1.91. The proposed order will provide direction to organizations receiving contributions for independent disbursements or making independent disbursements following the U.S. Supreme Court decision in *Citizens United v. FEC*. The proposed rule enumerates registration, reporting, and disclaimer requirements of provisions of ch. 11, Stats., which apply to organizations receiving contributions or making independent disbursements. Comporting with *Citizens United*, the proposed rule does not treat persons making independent disbursements as full political action committees or individuals under s. 11.05, Stats., for the purposes of registration and reporting. With respect to monetary or in-kind contributions received, this proposed rule requires organizations to disclose only donations “made for” political purposes, but not donations received for other purposes.

Discussion.

MOTION: Approve the Notice of Proposed Order creating ch. GAB §1.91 (CR 10-087) containing the revisions recommended in the Legislative Council Report.

MOTION: Direct staff to submit a Legislative Report to the Legislature including a more detailed analysis of the agency’s authority to promulgate ch. GAB §1.91 and take all additional steps necessary to complete promulgation of the rule.

Moved by Judge Barland, seconded by Judge Cane. Motion carried unanimously.

3. Proposed Draft of Rules Relating to the Administration of Contract Sunshine, GAB Chapter 26

Staff Counsel Shane Falk presented information about the proposed draft of GAB Chapter 26, which interprets the Contract Sunshine law by clarifying which agencies are covered and which expenditures are covered. It also requires agencies to use the Contract Sunshine website and establishes a compliance certification process.

Discussion

MOTION: Pursuant to §§5.05(1)(f), 19.48(11), 227.11(2)(a), 227.14(4m), 227.15(1), and 227.16-17, Wis. Stats., the Board formally approves the proposed Notice of Proposed Order Adopting Rule Creating ch. GAB 26, and directs staff to submit the proposed rule to Legislative Council for review, submit a Notice of Submittal to Legislative Council Clearinghouse to the Legislative Reference Bureau, prepare and schedule a Notice of Hearing to incorporate any recommendations by Legislative Council, and directs staff to proceed with promulgation of the rule.

MOTION: Staff shall take all other steps necessary to complete promulgation of the rule creating ch. GAB 26, Wis. Adm. Code.

MOTION: Staff shall publish a Contract Sunshine Administration Manual consistent with ch. GAB 26 and §16.753, Wis. Stats., and finalize a Certification of Contract Sunshine Compliance form.

Moved by Judge Brennan, seconded by Judge Cane. Motion carried unanimously.

4. Status Report on Pending Administrative Rules

Staff Counsel Shane Falk provided an oral and written report.

GG. MOVE Act Waiver Denial

Director and General Counsel Kevin Kennedy updated the Board on the status of Wisconsin's application for a waiver from certain provisions of the Military and Overseas Voter Empowerment (MOVE) Act. The U.S. Department of Defense found that the Act created a hardship for Wisconsin, but denied the waiver request because the timing of the September Partisan Primary does not allow mailing of official ballots to military and overseas voters 45 days before the Fall General Election. He said that, in staff's opinion, the Federal Voting Assistance Program (FVAP) applied the law incorrectly, but the Board is working with the U.S. Department of Justice on a resolution for the upcoming election, and the Legislature will have to address the timing of the primary for future elections. Details of the discussion with US-DOJ will be taken up in closed session under pending litigation.

Discussion.

H. HAVA Check – Disposition of Returned or Non-Responsive Mailings

Elections Division Administrator Nat Robinson and SVRS Lead Sarah Whitt presented an oral and written report to the Board regarding approximately 70,000 names in the Statewide Voter Registration System that still do not match Division of Motor Vehicle records following the retroactive HAVA Check process.

Discussion.

Chairperson Myse called a recess at 12:28 p.m. The Board reconvened at 1 p.m.

K. Presentation: Elections Division Migration of Manual Practices to Web-based Platforms

Herb Thompson and David Grassl of the Department of Administration, Division of Enterprise Technology, made a multimedia presentation about projects they are developing in partnership with Board staff. Those projects include the G.A.B. Canvass Reporting System, which will be used for the first time in the September Partisan Primary; the Accessibility Management Information System, which will replace a 27-page paper survey; and the Redistricting Project, which will allow Board staff to maintain accurate congressional, state senate and assembly district boundaries in SVRS and assist the Legislature and clerks with the redistricting process.

I. Proposed Initiatives for Automating Voter Registration Process

- 1. SVRS Facilitated Mail-in Voter Registration**
- 2. Online Voter Registration**

SVRS Acceptance Testing Lead Ann Oberle and SVRS Technical Lead Sarah Whitt presented information about a system that would allow voters to fill out registration documents online and capture that information, yet still require submission of the paper application for the registration process to be complete.

Discussion.

MOTION: Authorize staff to develop and administer a SVRS Automated, Voter Initiated Mail-In Voter Registration Process to be launched for public use by December 1, 2010.

MOTION: Reauthorize staff to study and develop an on-line voter registration proposal in collaboration with the Wisconsin Department of Transportation and other partners, and prepare a joint report with DOT for consideration by the Board at a meeting in early 2011.

Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

3. Motor Vehicle-based Voter Registration

Elections Division Administrator Nat Robinson and SVRS Technical Lead Sarah Whitt presented information about motor-vehicle based registration.

MOTION: Authorize staff to work with DOT to study the feasibility of a motor vehicle based voter registration concept, limited to DOT driver license data, and identify the most effective ways to accomplish this objective, using existing technologies. A joint G.A.B.-DOT report would be prepared for consideration by the Board at a meeting in early 2011. Also, that provisions be added to the Board's 2011-2013 biennial budget request to allow data sharing between the Department of Transportation and the Board, as well as between the Board and other states. Moved by Judge Barland, seconded by Judge Cane. Motion carried unanimously.

J. Presentation: Elections Division Training Initiatives

Training Coordinator Allison Coakley presented an oral and written report regarding training provided to county and municipal clerks, as well as election workers.

Discussion.

L. Voting Systems Approval: Permit Upgrade of NASED Approved AutoMARK Firmware and Use with EAC Certified/GAB Approved ES&S Unity 3.2.0.0 Components

Staff Counsel Shane Falk and Election Specialist Ross Hein made an oral and written presentation regarding upgrading ballot-marking devices.

MOTION: Amend the December 17, 2009 approval of the ES&S 3.2.0.0 and related components to permit the use of NASED-qualified AutoMARKs in conjunction with the voting system components approved on December 17, 2009, provided the NASED qualified AutoMARKs are upgraded with the EAC-certified AutoMARK firmware v.1.3.2906. Further, staff recommends that this amendment permit an as-needed upgrade of NASED qualified AutoMARKs with hardware engineering change orders recently approved by the Director and General Counsel. Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

M. Proposed 2011 G.A.B. Meeting Schedule

Director and General Counsel Kevin Kennedy discussed arrangements for upcoming meetings and briefed the Board on the proposed meeting schedule for 2011.

MOTION: To hold a regular meeting of the Board on September 13, 2010, instead of a teleconference meeting. Moved by Judge Cane, seconded by Judge Nichol. Motion carried unanimously.

MOTION: To waive the per diems for the August 9, 2010 meeting of the Board. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

MOTION: To accept the proposed 2011 meeting schedule, with the change of the March meeting to March 28 and 29. Moved by Judge Nichol, seconded by Judge Brennan. Motion carried unanimously.

N. Director and General Counsel’s Report

Elections Division Report – election administration

Written report from Nathaniel E. Robinson was included in the Board packet. Mr. Robinson gave an oral presentation, and discussed the data sharing arrangement between Wisconsin and Minnesota to identify possible cross-state voting.

Discussion.

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

Tommy E. Winkler Jr., assistant administrator in the Ethics Division, presented an oral and written report, which was included in the Board packet, including information about the Lobbying website, the Wisconsin Election Campaign Fund and a survey of Campaign Finance Information users.

Discussion.

Office of General Counsel Report – general administration

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

O. 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 Nichol, seconded by Judge Barland.

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

Motion carried.

Hearing no objection, Chairperson Myse called a recess at 3:15 p.m. The Board reconvened in closed session beginning at 3:23 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Requests for Advice: Two matters considered.
- B. Investigations and Enforcement: One pending matter considered; one investigation authorized.
- C. Litigation: Nine pending matters considered.

P. Reconvene into Open Session

The Board reconvened in open session at 5:42 p.m.

MOTION: To adjourn. Moved by Judge Deininger, seconded by Judge Barland. Motion carried unanimously.

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The next meeting of the Government Accountability Board is scheduled for Monday, September 13, 2010 in Madison, Wisconsin, beginning at 9:30 a.m. The location for the meeting has not been determined.

August 30, 2010 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

September 22, 2010

August 30, 2010 Government Accountability Board meeting minutes certified by:

Judge Gerald Nichol, Board Secretary

October 11, 2010

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
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
September 13, 2010
9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved guideline regarding Independent Disbursement Organizations	2
B. Approved emergency and permanent rule regarding election observers	3
C. Approved 2011-1013 Biennial Budget request	3

Present: Judge Gordon Myse, Judge Thomas Barland, Judge Michael Brennan, Judge Thomas Cane, and Judge David Deininger

Staff present: Kevin Kennedy, Jonathan Becker, Nathaniel E. Robinson, Shane Falk, Michael Haas, Sharrie Hauge, Tommy Winkler, and Reid Magney

A. Call to Order

Chairperson Myse called the meeting to order at 9:35 a.m.

B. Director's Report of Appropriate Meeting Notice

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

BB. Public Comment

- 1. Deborah Speckmann of Madison** appeared on her own behalf to speak about the Brennan Center request regarding voter intimidation.

2. **Bob Spindell of Milwaukee** appeared on his own behalf to express concerns about the non-matches from the retroactive HAVA Check ping letters. He also said there are very few problems with voter challenges at polling places.
3. **Andrea Kaminski of Madison** appeared on behalf of the League of Women Voters of Wisconsin to support adoption of election observer rules. She also requested that the rules on challenges be revised to include a specific provision that you do not proceed with the challenge if there is an insufficient supporting basis.
4. **Jon Waclawski** appeared on behalf of the Republican Party of Wisconsin to ask about the timetable for resolving HAVA Check non-matches. He also supported the election observer rules.
5. **Joel Gratz of Madison** appeared on behalf of America Votes to speak about the Brennan Center request regarding voter intimidation, and to thank the Board for its work training election officials.
6. **Debbie Morin of West Allis** appeared on her own behalf to express concerns about the Statewide Voter Registration System.

Chairperson Myse called a recess at 10:31 a.m. The Board reconvened at 10:42 a.m.

C. Proposed Campaign Finance guidelines

1. Independent Disbursement Organizations

Staff Counsel Michael Haas presented a proposed guideline about independent disbursement organizations, which was considered at the August 30, 2010 meeting. Staff met with attorney Mike Wittenwyler, and he helped improve the clarity of the guideline.

Discussion. Judge Barland expressed concern that the guideline could make better use of plain language.

MOTION: Adopt the proposed guideline on independent disbursement organizations. Ask staff to redraft guideline to make it easier to understand. Moved by Judge Deininger, seconded by Judge Cane. Motion carried.

2. Individual Political Activity

Staff Counsel Michael Haas reported that staff is recommending the Board take no action at this time on the draft guideline pertaining to personal political activity because current statutes do not specifically address regulation of blogging and other electronic communications. In the interim, staff will handle questions on a case-by-case basis.

D. Brennan Center Request to Issue Guidance on Elector Challenge Procedures and Voter Intimidation

Director and General Counsel Kevin Kennedy presented an oral and written report regarding a request from the Brennan Center for Justice for the Board to issue clarifying guidance or instructions relating to elector challenges. He said current agency practices address the issues raised by the Brennan Center, but the staff can develop additional informational literature for clerks and prosecutors prior to the November election.

Discussion.

The Board took no action on the Brennan Center request and directed staff to continue its outreach efforts to the public, local election officials and prosecutors.

E. Proposed Emergency and Permanent Rule Related to GAB Chapter 4 - Election Observers 1:11

Staff Counsel Michael Haas presented an oral and written report regarding the proposed emergency and permanent rule related to election observers. An emergency rule in place for the 2008 General Election expired in 2009. Staff recommends that the Board again enact an emergency rule to be in effect during the 2010 General Election, and also authorize a public hearing for both the emergency rule and permanent rule revisions to Chapter GAB 4.

Discussion.

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a) and 227.24, Wis. Stats., the Board approves the proposed Notice of Order to Repeal and Recreate Chapter GAB 4, Wis. Adm. Code as an emergency rule and directs the staff to publish the Order.

MOTION: Pursuant to § 227.24(4), Stats., the Board approves the proposed Notice of Hearing and directs staff to schedule a public hearing regarding the adoption of the emergency rule and permanent rule repealing and recreating Chapter GAB 4 and to proceed with all other steps necessary to promulgate the permanent rule. Also, to have the Director and General Counsel submit a memo to clerks regarding concerns about poll workers closing doors to the public after the polls close. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

F. Government Accountability Board – Proposed Agency Budget

Director and General Counsel Kevin Kennedy and Chief Administrative Officer Sharrie Hauge made an oral and written presentation to the Board of the agency's proposed 2011-2013 Biennial Budget. At its August 30, 2010, meeting, the Board previously approved two initiatives, Decision Item 4007 – Authorize a Study with the Department of

Transportation on Integrating Motor Vehicle and Voter Registration Services, and Decision Item 4008 – Request Statutory Changes to Permit Implementation of Online Voter Registration and Interstate Data Sharing.

Staff requested approval of 10 additional program decision items, which are described in Board materials distributed at the meeting.

MOTION: Approve Decision Item 4001 – Convert 19 Federal-Funded Project Positions to Federal-Funded Permanent Positions. Moved by Judge Deininger, seconded by Judge Barland. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4002 – Increase Lobby Program Revenue Spending Authority. Moved by Judge Nichol, seconded by Judge Barland. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4003 – Restore Government Accountability Board Meeting Costs. Moved by Judge Nichol, seconded by Judge Deininger. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4004 – Restore Campaign Finance Information System Master Lease Payments. Approve Decision Item 4010 – Restore Campaign Finance Information System Maintenance Funds to Base Budget. Moved by Judge Barland, seconded by Judge Deininger. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4005 – Authorize Evaluation of Contract Sunshine Application. Moved by Judge Nichol, seconded by Judge Barland. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4006 – Convert One Federal-Funded Project Position to a Permanent Position Funded with Federal Funds and Program Revenue Funds. Moved by Judge Nichol, seconded by Judge Barland. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4009 – Decrease Spending Authority in Materials, Services and Seminar Program Revenue Account. Moved by Judge Nichol, seconded by Judge Barland. Discussion. Motion carried unanimously.

MOTION: Approve Decision Item 4011 – Decrease Wisconsin Election Campaign Fund Spending Authority. Discussion. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

MOTION: Approve Decision Item 4012 – Upgrade Help Desk Communication Resources. Moved by Judge Cane, seconded by Judge Brennan. Discussion. Motion carried unanimously.

MOTION: Authorize staff to submit the proposed Government Accountability Board 2011-2013 Biennial Budget to the Department of Administration for inclusion in the executive budget. Moved by Judge Nichol, seconded by Judge Barland. Motion carried unanimously.

G. 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 Deininger.

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

Motion carried.

Hearing no objection, Chairperson Myse called a recess at 12:00 p.m. The Board reconvened in closed session beginning at 12:18 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Requests for Advice: One matter considered.
- B. Investigations and Enforcement: Three lawsuits authorized. Twenty-two pending matter considered; no investigations authorized.
- C. Litigation: Nine pending matters considered.

P. Reconvene into Open Session

The Board reconvened in open session at 2:10 p.m.

MOTION: To adjourn. Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

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The next meeting of the Government Accountability Board is scheduled for Monday, October 11, 2010, at the G.A.B. offices located at 212 East Washington Avenue, Third Floor, in Madison, Wisconsin beginning at 9:30 a.m. The location for the meeting has not been determined.

September 13, 2010 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

September 24, 2010

September 13, 2010 Government Accountability Board meeting minutes certified by:

Judge Gerald Nichol, Board Secretary

October 11, 2010

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 11, 2010 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Richard W. Bohringer, Lead Campaign Auditor
Wisconsin Government Accountability Board

SUBJECT: Challenge of WECF Grant Denial – Chuck Eno for Assembly

Charles R. Eno, candidate for State Assembly District 85 on the November 2, 2010 Election applied for a Wisconsin Election Campaign Fund (WECF) grant on July 13, 2010. This application is required to be signed and notarized. The application requires the candidate to sign and complete the following:

“I, Charles R. Eno, state that my authorized agent(s) and I have complied with and will continue to comply with the self-contribution limits prescribed in s.11.26(10), Stats., and the expenditure limits prescribed in s.11.31, Stats., at all times to which such limits apply to my candidacy except as provided in s.11.50(2)(i), Stats. I request approval to participate in the Wisconsin Election Campaign Fund.”

11.26(10) No candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund may make contributions of more than 200 percent of the amounts specified in [sub. \(1\)](#) to the candidate's own campaign from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under [s. 11.50 \(2\) \(h\)](#), or [s. 11.50 \(2\) \(i\)](#) applies.

11.26(1) No individual may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under [s. 11.06 \(7\)](#) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

11.26(1)(c) Candidates for representative to the assembly, \$500.

The self contribution limit for State Assembly candidates is \$1,000.

The following contributions (personal loans) have been reported by Mr. Eno to his committee:

- 6/30/10 \$1,585.66
- 8/30/10 \$2,091.79

His total self contributions as of the Pre-Primary Fall 2010 report are \$3,677.45, more than 3 times the self contribution limit agreed to when he signed his WECF Application. As the date of the first contribution shows, he was over the self contribution limit at the time he filed the WECF Application.

Based upon the amount of the self contributions and the limits set out in s.11.26(10), staff has denied Mr. Eno's application for a WECF grant.

From: crenoone@charter.net [mailto:crenoone@charter.net]
Sent: Friday, October 01, 2010 9:35 AM
To: Falk, Shane - GAB
Subject: WECF Appeal

Shane:

Thank you for visiting with me about an appeal of the staff denial of my WCEF application.

Facts:

I have never before run for public elected office.

I am new to the state elections processes. I have had no knowledge of the hows, whys and rules.

I was a late entry into the race for the election in the 85th Assembly District, my decision to run was made late in May of 2010.

Prior to that date we had done no fund raising what so ever. Not even exploratory.

When the decision to run was made we were told to open a checking account for campaign funds. We did that and ordered checks. I placed \$5.00 in the account to open it in anticipation of fund raising. The bank charged us \$14.00 for checks leaving us with a fund balance of -\$9.00. and that is how we got started. Several days after the announcement of my campaign we received an unsolicited check for \$200.00

Assuming that funds would be coming in we then started to order yard signs, palm cards for distribution other items needed to begin the campaign. Large signs, letterhead and envelopes, etc I paid for these out of my pocket.

When meetings for campaign financing, by RACC or GAB Staff, were conducted neither my treasurer, Debra Evers or I were able to attend.

As time went along we accumulated other expenses to start the campaign.

I have a very fine record in the community of paying my bills on time. Because we did not have in place any assistance with fund raising it took us along time to begin receiving contributions. I was not about to let my bills go unpaid. I paid them.

During contacts we have had with those who tried to inform us, the great emphasis was on the amount of \$1725 contributions in \$0 to 100\$. I repeat the greatest emphasis was on the \$1725. We were under the impression that we could not exceed the \$1725. When we were set straight that is it was a minimum of \$1725 we breathed a sigh of relief. Then we were told I could loan the campaign at least \$1,000. I was under the misunderstanding that if I loaned more than \$1000 in the early stages I could repay those loans down to \$1000 after funds began to come in and keep that loan in the Campaign. That has been our goal along.

I have loaned over \$3500 dollars to the campaign with the intent that it would be repaid to me from the campaign. I was told this by several representatives who have long time positions in the Assembly.

Funds for my campaign from fund raising have been very slow coming in because I was so new to the process. And the State wide and national campaigns are sucking the territory dry. I was told not to worry about it until after the Primary. We are just now beginning to gather financial speed, I have been out working very hard knocking on doors, making public appearances, meeting with groups and getting endorsements along with fund raising.

I am told that if I were to receive public funds that the maximum amount that could be spent is \$17,000 +/- . I don't know the exact amount. This is a ridiculous amount. My opponent has over \$50,000. Right now I have only about 6500.00 +/- funding of which I have loaned the campaign

about \$3500+/- . The \$7500 +/- will help greatly but it will still fall far short of the Maximum amount I can spend according to GAB rules.

I am asking you to please reconsider the denial. I am also asking you to please review the amounts allowed and restructure them upward. Had I known going it the very small amount that could be spent for a campaign I might not have proceeded. Costs are much greater now than when the rules were established. The whole Campaign Financing procedure must be review. It is very complicated making it nearly impossible for a New-B to get elected. I am committed to completing the campaign but I need help.

Thank you for your consideration.

Charles R. Eno (Chuck Eno for State Assembly)

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 11, 2010 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: Government Accountability Board's Canvass Reporting System Protocol
Effective for the November 2, 2010 General Election Canvass Process

For reporting election results for the September 14, 2010 Partisan Primary canvass, county clerks used the new electronic G.A.B. Canvass Reporting System. The Board is being asked to adopt this system for the submission of the November 2, 2010 General Election canvass results and for reporting subsequent canvass results.

What is the electronic G.A.B. Online Canvass Reporting System and how does it work? This system is an on-line application by which the county clerks provide election results electronically. County clerks may enter data into the Canvass Reporting System either by manual entry or upload from another data source such as an Excel spreadsheet or voting equipment cumulating software.

When data entry is completed, a date and time-stamped Certification Report is printed directly from the Canvass Reporting System. The Certification Report consists of a tabular statement of results by reporting unit, a summary statement which contains the total votes cast for the office and the number of total votes cast for each candidate and "scattering," and the certification of the county board of canvassers. The county board of canvassers signs the certification, and the hard-copy Certification Report is sent to the G.A.B. by overnight delivery. G.A.B. staff compares the date and time on the hard-copy report with the last update made by the county clerk in the Canvass Reporting System. The hard-copy report must reflect a date/time stamp that is later than the last update in the Canvass Reporting System.

For the September 14, 2010 Partisan Primary canvass, Board staff provided guidance for consistency and requested county clerks to submit canvass results in the recommended format. We are pleased to report that all 72 counties entered primary election results into the new system. However, several county clerks sent paper-copy reports in the format previously used by the county, rather than the Certification Report printed from the Canvass Reporting System. Upon notification, most county clerks printed the Certification Report, called in their board of canvassers to sign the report and sent the report to the G.A.B. in a timely fashion. Even after repeated requests, one county clerk refused to use the "Certification Report."

Action the Government Accountability Board is asked to take: Wis. Stats § 7.60 “County canvass,” gives the Board authority to prescribe the format in which county canvass results are to be submitted to Board staff. For the November 2, 2010 General Election and for going forward, staff asks the Board to formally adopt the following protocol that will govern the submission of canvass results.

1. Format of Canvass Reports

It is the Board’s policy that beginning with the November 2, 2010, General Election, all county clerks must continue to input election results into the Canvass Reporting System and use the “Certification Report” from the G.A.B. Canvass Reporting System for the official canvass report. The official canvass report contains the following:

- A. Certification of the Board of Canvassers: The certification is signed by the three members of the county board of canvassers. If corrections must be made to the tabular statement, canvassers should not sign the certificate until the corrections are made in the G.A.B. Canvass Reporting System, the report rerun and corrections verified by the members of the board of canvassers. The board of canvassers certifies that the results contained in the canvass report are true and accurate, and the certificate includes any corrections made to the report during the canvass meeting.
- B. Tabular Statement of Votes Cast: The Tabular Statement of Votes Cast is a detail of the number of votes cast for each candidate in each ward or combination of wards for each office or referendum. Write-in votes should be summed together in one scattering column for each office by the county clerk when reporting federal and state office results. Write-in votes for registered write-in candidates shall be listed separately in the canvass reporting system. If any votes are rejected, the board of canvassers shall specify the reasons in the minutes of the board of canvassers meeting. Referenda questions results are reported by “Yes” votes and “No” votes. There is no scattering column for a referendum question.
- C. Summary Statement: The summary statement is a tally of the Tabular Statement of Votes Cast. Each statement shall include the total number of votes cast in the county for each office; the names of all ballot candidates for each office, the number of votes cast for each candidate in each office, the number of scattering votes cast in each office, and the number of votes cast for and against any question submitted at a referendum.

2. Reporting Units

The G.A.B. Canvass Reporting System provides tools for county clerks to use to verify that all wards in the county are entered correctly in the Statewide Voter Registration System (SVRS) in a consistent and uniform manner in accordance with the standards listed below.

- A. All wards in a county must be accounted for, even if there is no one living there and no votes will be cast in that reporting unit. This standard requires that every parcel of land in the state be identified with a ward number, and that a particular election is set-up in SVRS to include every ward in the state for that election.
- B. Reporting unit names must identify a ward or combination of wards. Reporting units must not be reported by aldermanic districts. If a reporting unit is a combination of wards that also encompass an aldermanic district, the name of the reporting unit may include the indication such as “Wards 4 & 5 (Ald 1).” At no time may the aldermanic district number come before the ward identifiers in the reporting unit name.
- C. If a municipality is not split by wards, one reporting unit is created in SVRS with the label “Ward 1.”

- D. If a municipality has more than one ward but will report results in a single reporting unit, the reporting unit in SVRS is created with a label such as “Wards 1-7.”
- E. Ward combinations must be reported sequentially by leading number in the reporting unit name. For example: Wards 1 & 2, 5 – 8, 10; followed by Wards 3 & 4, and then, Ward 9.
- F. If a municipality lies in more than one county, a ward number should not be repeated in each county. The wards in a municipality should be sequential, regardless of which county the municipality lies. For example: Ward 1 in County A, Wards 2 & 3 in County B and Ward 4 in County C.
- G. In partisan primaries or elections, reporting units cannot include wards that are in different assembly, state senate or congressional districts.

Questions about how to use the G.A.B. Canvass Reporting System, and requests for assistance should be directed to the G.A.B. Help Desk at (608) 261-2028, or GABHelpDesk@wi.gov.

Proposed Motion: Staff recommends that the Board adopts the G.A.B. Canvass Reporting System Protocol for the submission of canvass results for the November 2, 2010 General Election, and for subsequent canvass results.

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 11, 2010 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Michael R. Haas, Staff Counsel

SUBJECT: Promulgation of Emergency and Permanent Rule Repealing and Recreating Chapter GAB 4

At its September 13, 2010 meeting, the Board authorized publication of an emergency rule recreating Chapter GAB 4 related to election observers, similar to the rule that was in effect for the 2008 General Election. The emergency rule was published in the Wisconsin State Journal on September 24, 2010, and therefore will be in effect for the 2010 General Election.

At its September meeting, the Board also authorized publication of the Notice of Hearing regarding both the emergency rule and the permanent version of Chapter GAB 4. The Board had previously approved the Statement of Scope for the permanent rule. However, the Legislative Reference Bureau has informed Board staff that the Statutes require the Board to approve the Statement of Scope ten days after it is published, even when the staff has already initiated work on the rule in the form of promulgating the emergency rule. This appears to be a bit of an idiosyncrasy of the rulemaking process in this case, nevertheless the Board is required to again approve the Statement of Scope, which is attached. The Board may then hold the public hearing on the emergency rule and the final version of the permanent rule at its meeting of December 13, 2010.

Recommendation and Proposed Motion:

Staff recommends adoption of the following motions:

1. MOTION: Pursuant to § 227.135, Stats., the Board approves the attached Statement of Scope regarding the adoption of the permanent rule repealing and recreating Chapter GAB 4 and to proceed with all other steps necessary to promulgate the permanent rule.

STATEMENT OF SCOPE OF PROPOSED RULE

Wisconsin Government Accountability Board

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

Description of policy issues:

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

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

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

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

Statutory authority for the rule:

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

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

10-20 hours of state employees' time.

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

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

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

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

Administrative Code/GAB 4/stmnt scope

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 11, 2010 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: 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 1.43

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 Corporation Registration and Reporting Requirements

Status: Board original action August 27, 2008. Scope statement approved by the Board at the December 17, 2009 meeting. Draft rule was approved by the Board at the March 23-24, 2010 meeting. The Statement of Scope must be submitted to the Legislative Reference Bureau for publication to begin the rule-making process. Will likely have to hold public hearing, so following submittal to Legislative Council will hold public hearing and then submittal to legislature before publication.

Create 1.91

Relating to: Organizations Making Independent Disbursements

Status: Board original action May 10, 2010. At the March 23-24, 2010 Board meeting, the Board considered the ramifications of the U.S. Supreme Court decision, *Citizens United v. FEC*. The Board adopted an interim policy regarding corporate independent expenditures. Staff was directed to draft an emergency rule which was adopted by the Board at the May 10, 2010 meeting. In addition, the Board directed staff to promulgate permanent rules to address independent expenditures in the context of Citizens United.

Emergency rule was published and effective May 20, 2010, but will expire on October 16, 2010. Staff has requested an extension so that the emergency rule is in effect throughout the Fall Election and on August 24, 2010, the Joint Committee for the

Review of Administrative Rules granted the 60 day extension. Staff published the scope statement and on July 7, 2010 also submitted the proposed permanent rule to Legislative Council for review. The Legislative Council Report was received by staff on August 3, 2010. The public hearing on both the emergency and permanent rules was held on August 30, 2010. Staff must file a Legislative Report and await the standing committees' 30 day review before final 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.)

Revise 3.01(6) and 12.01(2)

Relating to: Election Cycle Period for SRD and Municipal Clerk Training

Status: Board original action August 30, 2010. Scope Statement was approved by the Board at the August 30, 2010 meeting and must be published with the Legislative Reference Bureau. Thereafter may begin rule-making process to change the election cycle for special registration deputy and municipal clerk training so that the cycle begins on January 1 of an even-numbered year and continues through December 31 of the following odd-numbered year. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to the 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. Board reviewed the rule and took renewed action on September 13, 2010. Emergency Rule was published on September 24, 2010. Scope statement published and will be before the Board at its October 11, 2010 meeting. Thereafter, must submit final version of Chapter 4 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 and now November 9, 2009 meetings. These additions resulted from public comments. Additions approved by the Board at the November 9, 2009 meeting. Legislative Report will be submitted and upon return, publication.

Revise 6.02

Relating to: Registration Statement Sufficiency.

Status: Board original action on March 30, 2009. Scope statement submitted for publication. Draft rule approved by the Board at the December 17, 2009 meeting 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. Scope statement and draft rule approved by the Board at the December 17, 2009 meeting. This will officially begin the rule-making process to update statutory citations with new statutes post 2007 Act 1. Likely will complete with a statutory procedure that will not require a public hearing before submittal to legislature.

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 approved by the Board at the December 17, 2009. Must submit to the Legislative Council for review to 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. Scope statement and draft rule approved by the Board at the December 17, 2009 meeting. Must draft Statement of Scope to begin the rule-making process to remove a reference to lever voting machines. Likely will complete with statutory procedure that will not require a public hearing before submittal to legislature.

Revise 12.01(2) See 3.01(6) above.

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. Legislative Report will be submitted and upon return, publication.

Creation of Chapter 26

Relating to: Contract Sunshine

Status: Board original action at the July 21-22, 2010 meeting, at which the Board approved the scope statement. Staff published the scope statement. Proposed rule approved by the Board at the August 30, 2010 Board meeting. On September 10, 2010, staff distributed the rule to all agencies for preview and comment. Staff will also

submit it to Legislative Council for review. Likely will proceed with a public hearing upon return of the rule from Legislative Council.

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 11, 2010 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 Update

Election Administration Update

Introduction

Since the Government Accountability Board's September 13, 2010, meeting, the Elections Division has focused on the following tasks:

1. September 14, 2010 Partisan Primary

The Partisan Primary was conducted on September 14, 2010. In order to be available to clerks preparing for the election, staff worked extended hours the week before and the week of the election. On Election Day, staff were available from 6:30 a.m. until approximately 10:15 p.m.

Overall, the election ran smoothly. There were the expected reports from upset voters because they could only vote in one party. Voters urged that this long-held practice (State law) be changed. Voters want to vote for whomever they pleased in the September Partisan Primary as they have the ability to do in all other elections.

Some examples of other Election Day issues reported to staff consisted of, but were not limited to, include:

- Several reports of incorrect programming of optical scan equipment. The equipment, reportedly, would not accept a ballot unless a party preference had been selected, even if the voter only voted for candidates in one party.
- There were reports that a half-dozen or so municipalities ran out of ballots. Voters were directed to vote on a machine and this slowed the voting process down to the point where many voters stood in line for up to an hour or more. There were also some reports that many voters became frustrated and left the polling place without voting.

- There was one report where the county clerk provided written instructions to municipalities to highlight the names of voters who had a non-match HAVA Check in purple, and ask those voters to show a driver license. The voter, a fire fighter, was irate and upset over “having to produce his driver license in order to receive the ballot – something he has never had to do, and has been voting at this same polling place for years.” This report was confirmed with the county clerk. The county clerk was instructed immediately rescind her directive and to copy the Division Administrator on the written correspondence to municipal clerks in her county. This was done and we were assured the practice of treating voters differently that had a non-match HAVA Check was ceased.
- The name of Scott Feldt, candidate for State Treasurer, was omitted from the ballot in the Town of Pelican in Oneida County. The clerk obtained an identical ballot from a neighboring municipality, copied it, and provided the copies for distribution at the polling place. Upon further investigation, it was discovered that Oneida County does not print Federal, state and county ballots, as required by law. The county relies on each municipality to create their own ballots. This lack of uniformity led to the omission of the name. The county clerk was notified of her responsibility under the law. This notification was followed up with written communication seeking confirmation as to whether the county clerk was going to follow the law for the November General Election. The county clerk responded favorably.
- Two county clerks provided consolidated ballots to their municipalities who count ballots by hand. Because a voter can easily cross-over vote on a consolidated ballot, and there is no tabulating equipment to notify the elector of an improperly marked ballot, the G.A.B. and its predecessor, the former State Elections Board, prohibit the use of a consolidated paper ballot at a partisan primary. This policy was reiterated in a memo to clerks before ballots were prepared.
- Inspectors and clerks had many questions about how to count votes at the primary. A common ballot marking theme was to select a party preference and write in a candidate from another party.
- There were many questions with respect to basic procedures at the polling place, as well as advice-seeking to address anomalies.

During the extended hours of operation and on Election Day, staff maintained an Election Activity Log of all calls relating to elections issues. Those logs are in process of being analyzed. Staff will also engage in a debriefing of the activities before, during, on the Primary Election Day and throughout the canvass process. The review will focus on determining best practices, areas of needed improvement and lessons learned for improving election administration for the November 2 General Election. A full report will be made to the Board at its December 13, 2010 meeting.

2. Primary Canvass

The September 14, 2010 Partisan Primary marked the maiden voyage of the G.A.B. Canvass Reporting System. This system is an on-line application by which the county clerks provide election results electronically. Board staff are pleased to report that the transition to the new web-based, online G.A.B. Canvass Reporting System went smoothly. The system itself functioned admirably, greatly reducing the time previously required to edit, load and proof the canvass.

All 72 counties used the new system to report the official election results for the September 14, 2010 Partisan Primary. However, one county clerk refused to use the “Certification Report” functionality. Due to the Federal MOVE Act consent decree, canvass procedures for the

September 2010 Partisan Primary were accelerated. The new online platform significantly improved the G.A.B. staff's efficiency and reduced the time required to certify State and Federal results. Despite a number of recounts, and problems with the contracted overnight delivery service, the G.A.B. was able to meet the tight canvass deadline required by the consent decree.

In order to assist county clerks using the new Canvass Reporting System for the first time, G.A.B. staff produced a protocol and a recorded (archived) training that included a step-by-step instructional manual that clerks could access from the G.A.B. website. In addition, pre-and-post live election webinars were conducted for answering clerks' questions. Further, Board staff were available during and after normal work hours to provide one-on-one technical support as needed.

- A. Feedback from County Clerks about the new Canvass Reporting System. Staff met with county clerks during their Annual Fall Meeting held in Milwaukee on Tuesday, September 28, 2010. A significant portion of staff's time on the county clerks' agenda was devoted to ascertaining their verbal and written feedback on how well the new canvass system worked and refinements that clerks recommended be made. The clerks generally found it easy to use, except for some uploading issues at the beginning that were addressed, and other isolated issues that will continue to be addressed before the November General Election Canvass. County clerks who were not available at the Tuesday, September 28, 2010 meeting will be sent an electronic copy of the assessment and feedback survey (see copy attached).

At the time that this Elections Division Update is being prepared, the feedback provided by county clerks during the September 28 meeting had not been analyzed. A preliminary report will be made at the Board's October 11 meeting. Staff will continue to review the challenges encountered during the first usage of the system and will work toward improving procedures and educating users.

- B. Impact of the Federal Consent Decree on Completing the Canvass. The United States Department of Justice (US-DOJ) filed a lawsuit against the State of Wisconsin and its election officials alleging that Wisconsin statutes do not permit State and local officials to provide ballots to military and overseas electors 45 days before the November 2, 2010 election, and therefore, fails to satisfy the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

On September 15, 2010, the US-DOJ informed the G.A.B. that the Federal court for the Western District of Wisconsin entered an order to resolve the lawsuit based upon a consent decree reached by U.S. Department of Justice and the Board, with the assistance of the Wisconsin Department of Justice. The approved court order is designed to ensure that military and overseas voters will have more time to receive and transmit absentee ballots than is allowed under existing state statutes. The consent decree resulted in a compressed time frame for certification of the Primary and preparation of ballots.

Statutorily, the deadline for certifying the Primary was Tuesday, September 28, and canvasses were to be received in the G.A.B. office no later than Friday, September 24. However, the consent decree required certification to occur no later than Monday, September 27. Therefore, county clerks were instructed to deliver canvasses no later than Monday, September 20; however, the canvasses actually arrived as follows:

- Three (3) canvasses were received on September 17;
- Twenty (20) on September 20;
- Thirty one (31) on September 21;
- Ten (10) on September 22;
- Seven (7) on September 23; and,
- One (1) on September 24.

The canvass was certified (signed by Judge Gerald Nichol designee of Board Chair, Judge Gordon Myse) on September 27, in accordance with the consent decree.

3. Recounts

Candidates in the 32nd, 45th and 84th Assembly districts petitioned for recounts. All recounts were completed by Monday, September 27, 2010. Recounts produced no change to the winners in the 45th and 84th districts, and the candidates in each district indicated they would not seek to appeal the results of the recount. The recount of the 32nd district produced a different winner. At the time that this Elections Division Update is being prepared, the non-winning candidate had not indicated whether he will appeal. The appeal deadline is October 4, 2010. As a result, the G.A.B. staff has made special accommodations for the 9 military voters in the 32nd Assembly District.

4. Ballot Preparation and Compliance with Consent Decree

County clerks have submitted proofs of the ballots for the November 2, 2010, General Election for review and approval by Elections Division staff. State statute requires ballots to be printed and available for absentee voting no later than October 4. However, in accordance with the terms and conditions of the Consent Decree, county and municipal clerks have been ordered to have absentee ballots mailed to military and overseas voters no later than October 1. In the event that ballot printers are unable to print and deliver ballots to the county clerks for distribution to municipal clerks no later than noon on October 1, county clerks have been instructed to provide an electronic PDF version of the ballot to municipal clerks. The electronic ballot may be used in lieu of the official ballot for delivery to UOCAVA voters by the method specified by the voter, i.e. mail, email or fax.

5. November 2, 2010 General Election Pronunciation Guide

In addition to ballot preparation and programming of optical scan readers, accessible voting equipment must be programmed to present the ballot audibly to a hearing-impaired voter. Programmers require a Pronunciation Guide to ensure that candidate names are presented correctly. Staff prepared a phonetic guide to 259 candidate names.

6. Looking Forward to the 2011 Spring Primary and Election

Staff has begun preparation of the Type A Notice of 2011 Spring Election which is required to be published at the end of November. Preparation of spring write-in ballots, as well as candidate ballot access and campaign finance checklists are also in process.

7. Inter-State Voter Registration Data Sharing

(A Collaborative Initiative to Detect Possible Border Election Fraud)

No new substantive information to share with the Board at this time. An update will be provided at the Board's December 13 meeting.

8. Ensuring Election Integrity in Wisconsin

Board staff continues its development of a new election integrity section on the agency website to collect voter comments and complaints, including allegations of election fraud. Instructions will direct members of the public where to report observations of voter irregularities. Staff will monitor complaints and comments received from the website, and will review and make referrals to local District Attorneys whenever appropriate. This voter integrity section will complement the Board's existing toll-free voter helpline, 1-866-VOTE-WIS. This new election integrity section will be available for public access and use in time for the November 2 General Election.

9. MOVE Act: Status of Wisconsin's Efforts to Comply with Federal Court Consent Decree

The State of Wisconsin's MOVE Act waiver's denial was resolved with a consent decree for the 2010 General Election. Board staff immediately issued an Order and Findings to all municipal and county clerks detailing their individual responsibilities as required by the consent decree. A checklist with specific dates and tasks was created and disseminated to county and municipal clerks to assist in ensuring compliance.

The consent decree also requires post election statistics that are not currently captured. A supplemental form requesting specific military and overseas statistics was developed and distributed to municipal and county clerks for completion following the 2010 General Election. Board staff continues to work with municipal and county clerks to ensure all UOCAVA ballots are mailed and tracked in the Statewide Voter Registration System (SVRS) and that all current UOCAVA electors' ballots are mailed October 1, 2010.

10. Training

Please refer to the Attachment 1, Training Summary.

11. Extended Operating Hours to Support Clerk Partners and Voter Customers

Since 2008, before, during and immediately after each election, staff have been offering extended services and technical support to our valued clerk customers and to the public, and we will continue to do so for the upcoming November 2, 2010 General Election. Staff's extended operating hours will commence on Monday, October 25, 2010 and conclude on Wednesday, November 3, 2010.

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) felon information and Department of Health Services (DHS) death data, as part of on-going HAVA compliance.

Clerks process HAVA Checks and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since the Interfaces became functional in SVRS on August 6, 2008. Since the last Elections Division update to the Board at the August 30, 2010 meeting, clerks processed approximately 44,650 HAVA Checks with DOT/SSA on voter applications in SVRS. This is much higher than in the previous report, due to Election Day Registrations being processed for the September 14, 2010 Partisan Primary

2. Retroactive HAVA Checks Status

A Final Report on the Retroactive HAVA Check Project was presented to the Board at the March 23, 2010 meeting. Staff provided an update to the Board on the Retroactive HAVA Check non-matches at the August 30, 2010 meeting.

On September 8, 2010, the City of Milwaukee Election Commission directed Commission staff to provide lists of voters in the City of Milwaukee whose Retroactive HAVA Check DMV Ping Letter was returned as undeliverable, and voters who got a letter but did not respond. The Executive Director of the City of Milwaukee Election Commission submitted the Commission

request to Board staff and Board staff provided the lists to the City of Milwaukee on September 9 and 10, 2010. Board staff worked closely Commission staff and provided assistance to ensure that the propriety of the process.

On September 20, City of Milwaukee mailed 30 Day Notice letters to the voters whose DMV Ping Letter was returned as undeliverable. After 30 days, the City of Milwaukee will update any voters who did not respond requesting a continuation of their registration as inactive. Board staff continue to work with the City of Milwaukee to assist in this process.

Board staff are preparing to send 30 Day Notice letters on behalf of the clerks in the rest of the municipalities that have voters whose Retroactive HAVA Check DMV Ping Letter was returned as undeliverable. These letters are scheduled to be distributed on October 7, 2010.

3. Voter Registration Statistics

As of Monday, September 27, 2010, there were a total of 4,506,307 voter records stored in SVRS. Of this number, 3,412,419 were active voters; 853,923 were inactive; and 239,965 were cancelled voters.

Note: An active voter is one whose name will appear on the poll list. An inactive voter is one who may become active again, e.g. convicted felon or someone who has not voted in four years. A cancelled voter is one who will not become active again, e.g. deceased person.

The number of records in SVRS has decreased slightly since the last report due to the work of clerk users and Board staff in merging duplicate voter records as part of regular list maintenance. 6,405 merges have been completed in SVRS between August 17, 2010 and September 27, 2010.

4. G.A.B. Help Desk

The G.A.B. Help Desk is supporting over 1,700 active SVRS users. The Help Desk staff has assisted with processing the canvass, data requests and testing SVRS improvements. Help Desk staff is continuing to improve and maintain the two training environments that are being utilized in the field.

The majority of calls during August 2010 were from clerks requesting assistance with setting up the September 14 Partisan Primary, issuing state write-in ballots, printing absentee labels and running reports. During September 2010, SVRS users and clerks were preparing for the new canvass process, requested assistance with running reports and fulfilling absentee data requests, WEDCS set-up, and configuring new computers to run SVRS.

G.A.B. Help Desk Call Volume	
August	1,209
September 2010 (as of September 24, 2010)	1,829
Total Calls for Period	3,038

To alleviate distractions from the Reception Desk during the September 14 Partisan Primary, calls from the Front Desk's main number were transferred to the Help Desk. The Help Desk operated on extended hours from Wednesday, September 8, 2010 through Wednesday, September 15, 2010.

5. Voter/Felon Comparison Audit

No new information since the July 21-22, 2010, Board meeting.

6. SVRS Core Activities

A. Software Upgrade(s)

No new updates were made to the SVRS software since the August 30, 2010 Board meeting due to a change freeze in place for the September Primary. The development team is working on a new patch (version 7.1 Patch 2) that will be installed between the September Primary and the November General Elections. The patch makes several fixes to reports and mailings that were updated with SVRS Version 7.1.

B. System Outages

There were no unscheduled service outages to G.A.B. technical systems since the August 30, 2010 Board meeting.

C. Data Requests

The Board regularly receives requests from customers interested in purchasing electronic voter lists. SVRS has the capability and capacity to generate electronic voter lists statewide, for any county or municipality in the state, or by any election district, from congressional districts to school districts. The voter lists also include all elections that a voter has participated in, going back to 2006 when the system was deployed.

Due to the upcoming fall election events, Board staff received many data requests since the last Report to the Board. The following statistics demonstrate the activity in this area from August 17 through September 27:

- Forty-one (41) inquiries were received requesting information on purchasing electronic voter lists from the SVRS system.
- Nineteen (19) electronic voter lists were purchased.
- No paper voter lists were purchased.
- \$7,755 was received for the 19 electronic voter lists requested.

30-Day Forecast

Consulting with Clerk Customers and Partners to Ensure General Election Readiness

1. Staff will continue to provide education, training and technical support to our 1,851 Municipal and 72 County Clerk partners for the 2010 November 2 General Election.
2. As we have been doing at least since 2008, before, during and immediately after each election, once again we will offer extended services and technical support to our valued clerk customers and to the public, via extended operating hours commencing on Monday, October 25, 2010 and concluding on Wednesday, November 3, 2010.

3. In addition to meeting with the Wisconsin County Clerks Association during their Annual Fall Meeting on Tuesday, September 28 in Milwaukee, Board staff will make presentations at:
- The Wisconsin Towns Association Meeting
La Crosse, WI
October 5, 2010
 - Wisconsin Municipal Clerks Association District 2 Meeting
River Falls, WI
October 14, 2010
 - Wisconsin Municipal Clerks Association District 5 Meeting
Racine, WI
October 21, 2010
 - Wisconsin Municipal Clerks Association District 3 Meeting
Tomah, WI
October 22, 2010

Action Items

None.

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

Survey on G.A.B.'s New Online Canvass Reporting System

Wisconsin County Clerks Association's Fall Meeting
Tuesday, September 28, 2010
Milwaukee, WI

Please take a few minutes to tell us what you think about G.A.B.'s new online Canvass Reporting System. Your feedback will help us refine this new system to ensure its user-friendliness and effectiveness.

Please Print Your Responses
(Circle the Rating Choice that you select)

County (completely optional): _____

1. All County Clerks used the G.A.B. Online Canvass Reporting System to report their county's September 14, 2010 Partisan Primary Election results (thank you). What did you find the most helpful about the G.A.B. Online Canvass Reporting System?

2. What did you find the least helpful about the G.A.B. Online Canvass Reporting System?

3. Please rate your overall level of satisfaction with the G.A.B. Online Canvass Reporting System.
5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied
4. If you were not completely or highly satisfied, what changes would you recommend be made to the system to make it more helpful and beneficial to you?

5. How would you rate the protocol (dated August 30) provided for using the Online Canvass Reporting System?
5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied
6. If you were not completely or highly satisfied, what could have been done to make the protocol more helpful?

7. How would you rate the step-by-step manual for using the Online Canvass Reporting System?
5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied

8. If you were not completely or highly satisfied, what could have been done to make the technical support more helpful?

9. Tell us how you rate the archived walk-through canvass system training instructions on our website?

5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied

10. If you were not completely or highly satisfied, what could have been done to make the support more helpful?

11. Tell us how you rate the three live canvass technical support webinars that were offered?

5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied

12. If you were not completely or highly satisfied, what could have been done to make the support more helpful?

13. Tell us how you rate the individual G.A.B. staff assistance you received?

5. Completely Satisfied 4. Highly Satisfied 3. Satisfied 2. Dissatisfied 1. Very Dissatisfied

14. If you were not completely or highly satisfied, what could have been done to make the support more helpful?

15. Please provide any comments or suggestions you may have for improving the G.A.B. Online Canvass Reporting System.

Thank You!
Please Give Your Feedback to a G.A.B. Staff Member.

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/31/2010 – 10/10/2010

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
SVRS "Beginning" 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 training classes held in Elkhorn and Madison.	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.	4 types of classes: Election Management; Absentee Process; HAVA Interfaces; Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	11 classes held in locations listed above.	100
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.	Training conducted in Madison.	5
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	Training conducted in Madison	20

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/31/2010 – 10/10/2010

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
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.
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
8/31/2010 – 10/10/2010

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other initiatives:	<ul style="list-style-type: none"> • Board staff developed several training videos for absentee lite and canvass training in SVRS. • Board staff working on migration of several training programs to online and DVD formats. • Board staff presented election, SVRS and training updates to county clerks at the WCCA convention in Milwaukee, and municipal clerks at the Wisconsin Towns Assoc meeting in Lacrosse and several district meetings. 				

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KEVIN J. KENNEDY
Director & General Counsel

MEMORANDUM

DATE: October 11, 2010 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

Tracey Porter, Ethics and Accountability Specialist
Richard Bohringer, Nathan Judnic, and Dennis Morvak
Campaign Finance Auditors

2010 July Continuing Campaign Finance Reports

Staff has continued to work on processing and auditing the July Continuing 2010 campaign finance reports filed by the **1,376** candidates, political parties, legislative campaign committees, PACs, sponsoring organizations, and conduits. Reports were due on July 20th, 2010. As of 8:00 a.m. on October 1, 2010 only **5** reports have not been received. Staff is continuing to follow up with late filers to obtain and process their campaign finance reports.

2010 Pre-Primary Campaign Finance Reports

All candidates running in the fall 2010 election were required to file a fall pre-primary report, unless they claimed exemption from filing reports. All non-candidate committees registered with the Board making contributions or expenditures on behalf of candidates running in the fall 2010 election are also required to file the Pre-Primary report. **729** pre-primary reports were filed by candidates, parties, PACs, corporations, and conduits. As of 8:00 a.m. on October 1, 2010 only **2** candidate reports were not filed. Both candidates lost in the primary election. Staff is continuing to follow up with the candidates to obtain their reports.

Wisconsin Election Campaign Fund (WECF) Grant Recipients

On September 28, 2010, pursuant to Section 7.08(2)(c), *Wisconsin Statutes*, Lead Auditor Richard Bohringer provided the State Treasurer a list of all certified candidates eligible to receive a grant from the Wisconsin Election Campaign Fund (WECF) for the upcoming fall election. The grants replace the special interest (PAC) money that a candidate may accept. In order to be eligible for a WECF grant, a candidate must be running for a statewide or legislative office, file an application with the G.A.B. no later than the date

nomination papers are due, demonstrate a viable candidacy by raising a minimum threshold amount of money in individual contributions of \$100 or less, win the primary with at least 6% of the total vote, have an opponent, and fulfill all campaign finance reporting requirements. **\$315,127.43** was distributed to **30** candidates who applied for and met the eligibility requirements to receive a grant. Attachment 1 provides a detailed listing of those candidates receiving a grant, the office they are seeking, and the amount of grant money each received. Funding for the grants comes from Wisconsin taxpayers choosing to designate \$1 of tax revenue to be used for the public financing program.

2010 Pre-Election Campaign Finance Notices

On October 4, 2010 staff sent notices to **1,021** committees informing them of who is required to file the Pre-Primary finance report; these reports are due by October 25, 2010. The report covers all campaign finance activity from August 31, 2010 through October 18, 2010. All candidates running in the fall 2010 election are required to file the Pre-Election report, unless they claimed exemption from filing reports. All non-candidate committees registered with the Board making contributions or expenditures on behalf of candidates running in the fall 2010 election are also required to file the Pre-Election report.

Campaign Finance Information System Update

Staff continues to work with PCC Technology and the Department of Administration – Division of Enterprise Technology to improve the performance of the Campaign Finance Information System. A code release is taking place this week that will address some formatting and display issues related to special reports filed by committees prior to an election. This release will also make other enhancements to the a few minor areas in the user interface and to some search and auditing tools for both the public and G.A.B. staff. The next code release is scheduled for early December, 2010.

Lobbying Update

Tracey Porter, Ethics and Accountability Specialist
Tommy Winkler, Assistant Division Administrator

Preparation for the 2011-2012 Legislative Session

Staff has begun preparations for administering the lobbying program for the 2011-2012 legislative session. Forms, notices, procedures, reports and database records have all been updated and prepared for the new session. Lobbying registrations, licenses and authorizations expire at the end of each legislative session; organizations and lobbyists have to register and be licensed and authorized for each session. Pre-printed 2011-2012 registration forms are prepared and will be mailed to those organizations who lobbied in Wisconsin during the current legislative session so they can efficiently register for the upcoming session and authorize lobbyists to lobby for their organization. Similarly, pre-printed 2011-2012 license forms are prepared and will be mailed to those lobbyists who were licensed during the current legislative session so they can obtain a license for the next legislative session.

As part of the registration packets, a communication to lobbyist is included explaining the increase in fees for lobbying licenses in the 2011-2012 session. Single licenses will cost \$400, up from \$250, and multiple licenses will cost \$650, up from \$400. All funds generated from the increased fees are going to fund the creation of the new lobbying web site. Throughout October and November, staff will continue making the final lobbying program preparations for the new legislative session.

Lobbying Registration and Reporting Information

Government Accountability Board staff continues to process 2009-2010 lobbying registrations, licenses and authorizations. Processing performance and revenue statistics related to this session's registration is provided in Table 1 below.

TABLE 1

2009-2010 Legislative Session: Lobbying Registration by the Numbers (Data Current as of September 30, 2010)			
	Number	Cost	Revenue Generated
Organizations Registered	783	\$375	\$293,625
Lobbyists Licenses Issued (Single)	670	\$250	\$167,500
Lobbyists Licenses Issued (Multiple)	141	\$400	\$56,400
Lobbyists Authorizations Issued	1756	\$125	\$219,500

New Lobbying Website Project Update

Work continues by the Department of Administration's IT team on the development of a new lobbying website and online reporting application to be ready for the 2011-2012 legislative session. The system has now been deployed to DOA servers and work continues on the public search, public view, administration registration and the lobbying reporting functionality. Staff will be working with a focus group of members from the lobbying community, demonstrating portions of the website and application and then collecting comments on how to improve the system's functionality and user interface. This approach allows staff to utilize feedback from system users and incorporate it into the final product.

Financial Disclosure Update

Cindy Kreckow, Ethics and Lobbying Support Specialist
Tommy Winkler, Assistant Division Administrator

2011 Statements of Economic Interests Annual Filing Preparation

Government Accountability Board staff is preparing for the 2011 Statement of Economic Interests filing period. Database records, forms, instructions and reports have all been updated to reflect the upcoming filing year. Staff has been in contact with all of the Wisconsin technical colleges to identify those technical college positions that each college's board determines are required to file a Statement of Economic Interests with the G.A.B. Staff is also working to identify active reserve judges in order to mail pre-printed copies of their Statement of Economic Interests to them in early December. Reserve judges are required to file a Statement of Economic Interests with the G.A.B. within 21 days of taking a case. 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. In November, pre-printed Statements of Economic Interests will be mailed out to incumbent judges who are up for re-election in the spring of 2011.

State of Wisconsin Investment Board Quarterly Transaction Reports

G.A.B staff prepared and sent out **43** quarterly financial disclosure statements to State of Wisconsin Investment Board members and staff required to file quarterly reports. 3rd quarter statements are to be completed and returned to the G.A.B. no later than November 1, 2010.

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
Governor		0					\$0.00		
Governor	104951	Evans for Governor	P.O. Box 74	Montreal	WI	54550	\$0.00	Denied	Not on election ballot (no signatures)
Governor	104851	Friends to Elect Paterick	P.O. Box 11	Wisconsin Rapids	WI	54494	\$0.00	Denied	not on election ballot (lost)
Governor	104828	Jim For Governor	W165N11555 Abbey Court	Germentown	WI	53022	\$0.00	Denied	did not raise qualifying \$
Secretary of State		1					\$29,409.46		
Secretary of State	104723	King for Secretary of State	1125 West National Avenue	Milwaukee	WI	53204	\$29,409.46	Granted Without Limits	
State Treasurer		0					\$0.00		
State Treasurer	103612	Bohrod for State Treasurer	3634 Hovde Road	Madison	WI	53704	\$0.00	Denied	not on election ballot (lost)
State Treasurer	103209	Jim Sanfilippo for State Treasurer	3622 South 43rd Street	Milwaukee	WI	53220	\$0.00	Denied	Not on election ballot (lost)
State Treasurer	103690	Sass for State Treasurer	3237 South 57th Street	Milwaukee	WI	53219	\$0.00	Denied	failed to raise qualifying \$
State Treasurer	104913	Scott Feidt for State Treasurer	1815 Doubletree Drive	Janesville	WI	53546	\$0.00	Denied	not on election ballot (lost)
Attorney General		1					\$71,489.67		
Attorney General	101319	Hassett for Attorney General	N7420 Rock Lake Road	Lake Mills	WI	53551	\$71,489.67	Granted Without	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Senate		4					\$54,450.00		
State Senate, District No. 01	104906	Soyring For State Senate	2387 Town Hall Rd	Green Bay	WI	54311	\$0.00	Denied	Not on election ballot (lost)
State Senate, District No. 03	105013	Common Sense Americans	3531 W. Grange Avenue	Milwaukee	WI	53221	\$15,525.00	Granted With Limits	
State Senate, District No. 03	100881	Friends of Tim Carpenter	2957 South 38th Street	Milwaukee	WI	53215	\$9,875.00	Granted With Limits	
State Senate, District No. 09	105038	Borden for Senate	1023 N 29th st.	Sheboygan	WI	53081	\$13,525.00	Granted Without Limits	
State Senate, District No. 11	104446	L.D. Rockwell for Senate	N6619 Grove Road	Elkhorn	WI	53121	\$0.00	Denied	short qualifying \$
State Senate, District No. 13	104469	Dwayne Block Senate Campaign	637 Daisy Lane	Oconomowoc	WI	53066	\$15,525.00	Granted Without Limits	
State Senate, District No. 21	105007	Bob Gulian for State Senate	738 16th Avenue	Union Grove	WI	53182	\$0.00	Denied	not on election ballot (lost)
State Senate, District No. 25	100178	Citizens for Jauch	5271 South Maple Drive	Poplar	WI	54864	\$0.00	Denied	did not receive notarized application

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Senate, District No. 27	104896	Wickersham for Wisconsin	15019 W Ahara Road, #32	Evansville	WI	53536	\$0.00	Denied	not on election ballot (lost)
State Assembly		24					\$159,778.30		
State Assembly, District No. 04	104698	Dunlop for Wisconsin	339 Marsh St.	De Pere	WI	54115	\$7,263.00	Granted Without Limits	
State Assembly, District No. 04	105005	Korenak 4 Assembly	1160 April Lane	Green Bay	WI	54304	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 05	104713	Steineke for Assembly	N2352 Vandebroek Road	Kaukauna	WI	54130	\$7,763.00	Granted Without Limits	
State Assembly, District No. 07	101250	Friends of Peggy Krusick	3426 South 69th Street	Milwaukee	WI	53219	\$6,313.00	Granted Without Limits	
State Assembly, District No. 08	104758	Community United to Elect Laura Manriquez for the 8th Assembly District	2224 South 7th Street	Milwaukee	WI	53215	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 10	104984	Elizabeth M. Coggs for State	1321 N. 18th Street	Milwaukee	WI	53205	\$0.00	Denied	Over self contribution limit (total self \$5800)

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 10	104987	FINDLEY FOR ASSEMBLY	P.O. Box 1442	Milwaukee	WI	53201	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 10	105014	Friends For Sherman L. Hill	3828 N. 5th Street	Milwaukee	WI	53212	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 10	105020	The Poor People's Piece of The Pie Campaign	2722A North Richards Street	Milwaukee	WI	53212	\$0.00	Withdrawn	
State Assembly, District No. 12	104821	Citizens for Sam Hagedorn	10427 W. Harvest Ln	Milwaukee	WI	53225	\$7,763.00	Granted With Limits	
State Assembly, District No. 12	100994	Friends of Fred Kessler	6761 N. 109th Street	Milwaukee	WI	53224	\$3,863.00	Granted With Limits	
State Assembly, District No. 13	101887	Friends of David Cullen	9131 West Chambers Street	Milwaukee	WI	53222	\$4,763.00	Granted With Limits	
State Assembly, District No. 15	104566	Friends of Dave Nickel	1131 South 75th Street	West Allis	WI	53214	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 15	104923	Friends of Rieboldt	PO Box 44275	West Allis	WI	53214	\$7,763.00	Granted Without Limits	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 19	104986	Friends of Krista Burns	3149 South Delaware	Milwaukee	WI	53207	\$7,763.00	Granted Without Limits	
State Assembly, District No. 20	104992	Friends of Molly McGartland	3777 South Ahmedi Avenue	St. Francis	WI	53235	\$7,063.00	Granted Without Limits	
State Assembly, District No. 20	105018	Kraeger for Assembly Dist. 20	4975 S. 15th Place	Milwaukee	WI	53221	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 20	103687	Sinicki for Assembly	3132 South Indiana Avenue	Milwaukee	WI	53207	\$0.00	Withdrawn	
State Assembly, District No. 22	105050	Pedersen for Wisconsin	360 E Daphne Road	Fox Point	WI	53217	\$0.00	Denied	short qualifying \$
State Assembly, District No. 24	104892	Dustin Klein for Assembly	5071 N. 126th Street	Butler	WI	53007	\$0.00	Denied	short qualifying \$
State Assembly, District No. 26	103784	Committee to Elect Van Akkeren	1612 S 7th St	Sheboygan	WI	53081	\$6,263.00	Granted Without Limits	
State Assembly, District No. 26	104538	Job Hou-Seye for Assemblyman Committee	222 Prospect Avenue	Sheboygan	WI	53081	\$0.00	Denied	short qualifying \$;

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 26	105037	Perez for Assembly	628 N. 9th Street	Sheboygan	WI	53081	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 26	104848	Tim Brown for Assembly	1103 Main Avenue	Sheboygan	WI	53083	\$0.00	Denied	not on Primary ballot - no nom. papers
State Assembly, District No. 27	105010	Lechler for Assembly	1334 1st Street	Kiel	WI	53042	\$0.00	Denied	less than 6% total vote in Primary
State Assembly, District No. 29	104227	Liz Jones for Assembly	2640 12th Avenue	Woodville	WI	54028	\$5,235.96	Granted Without Limits	
State Assembly, District No. 30	105025	Adam Johnson for State Assembly	778 Glenmeadow st.	River Falls	WI	54022	\$0.00	Denied	not on election ballot (did not file nomination papers)
State Assembly, District No. 30	104936	Plunkett for Assembly	709 Bartosh Lane	River Falls	WI	54022	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 32	104755	Finley for Assembly	127 S. Terrace Street	Delavan	WI	53115	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 32	104990	Friends for Thomas Stelling	1304 Saratoga Lane	Lake Geneva	WI	53147	\$0.00	Denied	not on election ballot (lost)

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 33	105048	Citizens for Ksobiech	259 Fieldstone Rd.	Delafield	WI	53018	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 34	105039	Losch for Assembly	2531 Rosemill Lane	Rhineland	WI	54501	\$0.00	Denied	less than 6% total vote in Primary
State Assembly, District No. 38	104725	Dick Pas For Wisconsin State Assembly Committee	662 East Juneau Avenue	Oconomowoc	WI	53066	\$0.00	Denied	short qualifying \$
State Assembly, District No. 40	104942	Jon Baltmanis for Assembly	PO Box 93	Waupaca	WI	54981	\$7,763.00	Granted Without Limits	
State Assembly, District No. 41	104650	Scott Milheiser for Assembly	P.O. Box 564	Fremont	WI	54940	\$6,213.00	Granted Without Limits	
State Assembly, District No. 42	104644	Clark for Wisconsin	P.O. Box 383	Baraboo	WI	53913	\$6,188.00	Granted Without Limits	
State Assembly, District No. 42	104983	Frostman for Wisconsin	509 14th Ave	Baraboo	WI	53913	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 43	104898	Wynn for Wisconsin	214 Lake View Drive	Whitewater	WI	53190	\$0.00	Denied	exceed self contribution limit

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 44	104930	Brotheridge For Assembly	PO Box 285	Janesville	WI	53547	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 44	105003	Truman for Assembly	444 Applewood Ln	Janesville	WI	53548	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 45	104948	Amy Loudenbeck for Assembly	PO Box 556	Clinton	WI	53525	\$7,431.34	Granted Without Limits	
State Assembly, District No. 45	104872	Reseburg for Assembly	2726 Sharon Drive	Beloit	WI	53511	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 45	104940	Rick Valdez for Assembly	PO Box 183	Beloit	WI	53512	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 46	104277	Friends of Gary Hebl	P.O. Box 46	Sun Prairie	WI	53590	\$0.00	Withdrawn	
State Assembly, District No. 46	104741	Maves for Assembly	744 Cledeil Street	Oregon	WI	53575	\$7,763.00	Granted Without Limits	
State Assembly, District No. 48	103945	Friends of Joe Parisi	P.O. Box 3042	Madison	WI	53704	\$0.00	Withdrawn	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 48	104765	Friends of Zimmerman	6403 Crestwood Cir	McFarland	WI	53558	\$0.00	Withdrawn	
State Assembly, District No. 54	104278	Hintz for Assembly	P.O. Box 1424	Oshkosh	WI	54901	\$0.00	Withdrawn	
State Assembly, District No. 54	105002	Krause For Assembly	322 North Lark Street	Oshkosh	WI	54902	\$7,513.00	Granted Without Limits	
State Assembly, District No. 57	104959	Howard Miller for Assembly	15 Sunbeam Court	Appleton	WI	54915	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 62	104931	Chris Wright for Assembly	2906 96th Street	Sturtevant	WI	53177	\$7,013.00	Granted Without Limits	
State Assembly, District No. 64	101918	Citizens for Peter Barca	1339 38th Avenue	Kenosha	WI	53144	\$13.00	Granted With Limits	
State Assembly, District No. 65	103399	Citizens for Steinbrink	8640 - 88th Avenue	Pleasant Prairie	WI	53158	\$0.00	Denied	No election opponent
State Assembly, District No. 68	104939	Friends of Kathy Bernier for Assembly	2916 Trinity Street	Eau Claire	WI	54703	\$7,013.00	Granted With Limits	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 70	104837	Vote Zdun for Assembly	8356 Veedum Street	Pittsville	WI	54466	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 71	104899	Friends of Bob Scovill for State Assembly	7015 County Road JJ South	Bancroft	WI	54921	\$7,763.00	Granted Without Limits	
State Assembly, District No. 72	104141	Krug for Assembly	466 Grove Avenue	Wisconsin Rapids	WI	54494	\$7,763.00	Granted Without Limits	
State Assembly, District No. 72	104893	Lamb for Assembly	1920 Bassett Place	Wisconsin Rapids	WI	54494	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 72	105031	Taxpayers for John Minarcin	731 Elm Street	Wisconsin Rapids	WI	54494	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 73	105004	Bonnie Baker for Assembly	PO Box 1919	Superior	WI	54880	\$7,763.00	Granted Without Limits	
State Assembly, District No. 74	105049	Citizens for Luoma	65889 Old County Road	Marengo	WI	54855	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 74	104425	Go Far with LaBarre	10152 Abby Lane	Hayward	WI	54843	\$7,763.00	Granted Without Limits	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason
State Assembly, District No. 75	104427	Friends of Dari McDonald	P.O. Box 308	Birchwood	WI	54817	\$0.00	Denied	committee terminated prior to filing papers for ballot access
State Assembly, District No. 75	104976	Perala For Assembly	628 E. Wisconsin Avenue	Barron	WI	54812	\$0.00	Denied	did not receive notarized application
State Assembly, District No. 76	103642	Friends of Terese Berceau	4326 Somerset Lane	Madison	WI	53711	\$0.00	Withdrawn	
State Assembly, District No. 77	105000	David Olson for State Assembly	201 S. Yellowstone Drive	Madison	WI	53705	\$0.00	Denied	less than 6% total Primary Vote
State Assembly, District No. 81	104606	Kelda for Assembly	2215 North Sherman Avenue	Madison	WI	53704	\$0.00	Withdrawn	
State Assembly, District No. 82	105001	Friends of Larry Gamble	3121 W. Southwood Drive	Franklin	WI	53132	\$0.00	Denied	not on election ballot (lost)
State Assembly, District No. 85	104980	Eno for 85th Assembly District	8705 White Pine Court	Wausau	WI	54403	\$0.00	Denied	Exceeded Self Contribution Limit
State Assembly, District No. 91	104781	Bill Ingram Campaign Committee, LLC.	N7317 County Road C	Durand	WI	54736	\$0.00	Withdrawn	

2010 FALL ELECTION
Status of WECF Applications

Office Name	GAB ID	Committee Name	Address	City	State	Zip code	WECF Grant Amt	WECF Status	Deny Reason	
State Assembly, District No. 93	104830	Friends of Mike Conlin	PO Box 1332	Eau Claire	WI	54702	\$0.00	Denied	not on election ballot (lost)	
State Assembly, District No. 95	105024	Nick Charles	1010 Cass Street	La Crosse	WI	54601	\$0.00	Denied	short qualifying \$	
State Assembly, District No. 95	103853	Shilling for Assembly	P.O. Box 1261	La Crosse	WI	54602	\$0.00	Withdrawn		
State Assembly, District No. 96	103632	Graewin for Assembly	E18097 Shaker Road	Elroy	WI	53929	\$0.00	Denied	not on ballot - no nom. papers	
State Assembly, District No. 97	104972	Caruss for Assembly 97	215 N. Greenfield Avenue	Waukesha	WI	53186	\$0.00	Withdrawn		
State Assembly, District No. 98	104745	U Win with Weers (for Assm)	15980 Mark Drive	Brookfield	WI	53005	\$0.00	Withdrawn		
Total # Applied for WECF							94			
Total Amount of Grants Awarded							\$315,127.43	Total # of Grants	30	

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 11, 2010, Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Kevin J. Kennedy, Director and General Counsel
Sharrie Hauge, Chief Administrative Officer
Reid Magney, Public Information Officer

SUBJECT: Administrative Activities

Agency Operations

Introduction

The primary administrative focus for this reporting period has been working with outside auditors on the agency's federal compliance audit, developing the Contract Sunshine program and enhancing the reporting website, developing a plan to address the agency's base budget reduction, recruiting staff, communicating with agency customers, and making presentations.

Noteworthy Activities

1. Federal Performance Audit

On March 22, 2010, the Clifton Gunderson audit team began their field work at the G.A.B. office. The HAVA audit field work consisted of testing payroll expenditures, major procurement transactions, direct/indirect expenses, a fund reconciliation, and visiting municipalities to count and verify voting equipment purchases. The Clifton Gunderson audit team concluded their field work on April 1.

On April 22, 2010 an exit conference was held with the Clifton Gunderson audit team, US EAC-Office of Inspector General staff, and G.A.B. staff to discuss preliminary findings. During the initial exit conference with Clifton Gunderson and the US-EAC Office of the Inspector General, the auditors questioned all personnel costs under HAVA due to a lack of documentation and incorrect time recording procedures. The G.A.B. is confident that the majority of personnel costs are certified and can produce adequate supporting documentation including calendar notations, agendas for meetings, travel documentation, or ultimately a sworn affidavit by employee supervisors if necessary to corroborate our claims. After the US-EAC Inspector General further reviewed the work performed by the Clifton Gunderson auditors, they decided to perform their own audit on the State of Wisconsin HAVA funds.

Mr. Arnie Garza, Assistant Inspector General for Audits, traveled to Wisconsin from July 7, 2010 to July 15, 2010, August 2, 2010 to August, 13, 2010, and September 20, 2010 to September 24,

2010 to perform his audit field work. Mr. Garza has completed his field work and has begun to develop his Notice of Findings and Recommendations (NFRs). After conversations with Mr. Garza we expect to receive this information no later than the middle of December 2010. After receiving the NFRs the G.A.B. will be able to respond to them. Subsequently a draft report will be developed that the G.A.B. will respond to. Then a final audit report will be issued starting the resolution process between the G.A.B. and the US-EAC.

2. Contract Sunshine Program Update

Staff has continued to make great progress in furthering the goal of complete agency compliance with Contract Sunshine statutes. On September 30, we took a major step forward by sending out our first quarterly certification to agencies. These certifications state that agencies have entered full and complete information into the Contract Sunshine database and website. These certifications are to be returned no later than October 15. Any agencies that fail to return a certification will be listed on the Contract Sunshine website as having failed to return a certification.

In consultations with other state agencies, we have begun preliminary work on an automatic upload functionality that would take expenditure data from other state agencies' purchasing systems. We have developed a functional and tested system that captures expenditure-level data, and has the potential for checkbook level reporting of agency expenditures. However, the currently developed functionality is unable to associate a method of procurement to these expenditures. We have only introduced this functionality to a pilot group of three agencies who may or may not use it for this certification. We have asked any agency that does use this functionality to also submit a Procurement Log that associates each uploaded entry with the method of procurement as a temporary work-around. Since this Procurement Log does entail extra work not previously discussed with agencies, we have decided to allow an agency using this functionality to have a one-time two-week extension to their certification deadline. We will continue to work with our vendor to create a method to make this notation without need of a Procurement Log, and would hope to have this ready prior to the next agency certification due on January 14.

Since the Board's last meeting, a major change to the look and feel of the website has been introduced. We have retired the previous layout of the system, which had been publically criticized. In its place, we have used the design of the Government Accountability Board's website as a template for what we feel is a major improvement to how we present the data we collect to the public. Included in this upgrade is more granular searching of our data tables, which will help users find their desired information easier. We will continue to work with our vendor to improve the presentation and searching of the data, but the work we have done since the last Board meeting represents one of the most visible changes in the Contract Sunshine website since it came online in 2007.

3. 2011-13 Biennial Budget

On September 15, 2010, the agency submitted its 2011-2013 biennial budget request. A copy of the request is posted on the agency website. Sharrie Hauge worked an incredible amount of hours pulling the required information together, shaping and assembling the budget request using a new online system developed by the Department of Administration. The next step the agency faces is developing a proposed 10% budget reduction from the 2010-2011 base budget, which is due on November 8.

This is a regular exercise as part of the budget process. In past years the exercise focused on developing a 5% reduction plan. It also permitted identifying other funding sources to replace GPR funding, such as increased fees. In this cycle the agency is required to develop a plan to reduce its operating costs from both its GPR and program revenue (PR) funding by \$358,200 annually. This will be a significant challenge.

The bulk of the agency's funding goes to staff costs to support the G.A.B.'s programs. The primary program functions are to provide guidance to state public officials, candidates for state office, local election officials and lobbyists along with enforcement to ensure compliance with campaign finance, contract sunshine, election, ethics and lobby requirements. This includes auditing campaign finance and lobbying reports along with statements of economic interests (SEIs) and monitoring legal and procedural compliance by local election officials.

As I see it, we can follow two approaches to meet this reduced spending objective. The first is to identify what programs will no longer be served by the agency in terms of administration, providing guidance and enforcement. The second is to propose the elimination of two programs that no longer provide funding or resources to meet their original objectives.

These programs are the distribution of state grants to legislative and executive candidates to assist in funding their campaigns for elective office from the Wisconsin Election Campaign Fund (WECF) and to provide certain municipalities with reimbursement for the costs of keeping their polling places open from 7 am to 9 am as part of an initiative to establish uniform poll hours.

The WECF grant program is funded by a \$1 check off on the state income tax return. Money designated by taxpayers is separated from the GPR funding stream and placed in an account administered by the G.A.B. The check off generates less than \$200,000 each year. It does not provide sufficient funding to accomplish the program objectives to reduce the amount of special interest money relied on by candidates or provide candidates with sufficient funds to present their platforms to the voters. This year candidates for the Assembly will receive grants of \$152,015.30 and candidates for the Senate will receive grants of \$54,450. Only 23 Assembly candidates and 4 Senate candidates are receiving grants. This year candidates for statewide offices will receive grants of \$100,899.13. Only 2 candidates for statewide office this fall are receiving grants. This proposal does not affect the Impartial Justice program for funding candidates for the Supreme Court. While we administer the program, the funding flows through the State Treasurer's office.

If the Legislature is not committed to providing sufficient funds in the WECF to meet the objectives of the program, it is better to return the money to the general fund rather than force the agency to reduce services in other areas that benefit all candidates and other agency customers.

The polling place reimbursement program was designed to provide temporary assistance to municipalities who were forced to open their polling places earlier in response to a legislative change establishing uniform poll hours of 7 am to 8 pm on Election Day. 2005 Wisconsin Act 333. The agency receives \$36,200 in the first year of the biennium and \$91,800 in the second year of the biennium for this program. Approximately 400 checks are cut for an average of \$65 for each election. It costs more to process each check in terms of staff resources in our agency and at the Department of Administration than the amount given in the average reimbursement. It is more work for the municipality to submit a claim than it is worth, so only a small number of eligible municipalities, 1000, are submitting claims.

As with the WECF, it is better to return the money to the general fund rather than force the agency to reduce services in other areas that benefit all candidates and other agency customers.

I recommend the Board authorize me to proceed with this approach to eliminate these two programs. We will also identify the costs to provide other key agency services. I believe we are at an economic crossroads and the elimination of these programs is a better choice than abandoning our role to administer, provide guidance and enforce campaign finance, contract sunshine, election, ethics and lobby laws, regulations and policies. To propose a reduction in those services would be

an unconscionable evisceration of the expectations Wisconsin citizens have in a transparent and accountable government.

4. Staffing

We recently hired an Elections Specialist project position and a Training Officer project position in the Elections Division.

Currently, we are also seeking approval from the Centralized Position Review Committee to fill two Office Operations Associate positions to support the Elections Division Administrator and the HAVA program staff.

5. Communications Report

Since the August 30, 2010, Board meeting, the Public Information Officer has responded to numerous media inquiries and planned communications strategy in furtherance of the Board's mission.

The PIO has spent a significant amount of time responding to media and public inquiries regarding the September Partisan Primary Election, as well as Wisconsin's compliance with the Military and Overseas Voter Empowerment Act. Work continues on further enhancements to the website, including a section for members of the public to comment on their experiences at polling places, as well as to file complaints about election officials and suspected instances of election fraud.

The PIO also worked on a variety of other projects including responding to concerns from Legislators on a variety of topics and communicating with our clerk partners.

6. Meetings and Presentations

During the time since the August Board meeting, Director Kennedy has been participating in a series of meetings with staff on several projects. These include a status review of our on-line election canvass reporting program, the development of the new lobby administration application, changes to our Contract Sunshine program to make other agencies more accountable, and the completion of our agency budget.

The Director participated in a series of final interviews for vacant Elections Division staff positions along with Elections Division Administrator Nat Robinson.

I was also part of the agency team that met with representatives of the Federal Voting Assistance Program in the Department of Defense and attorneys with the U.S. Department of Justice (U.S. DoJ) to review Wisconsin's MOVE waiver request for the November 2, 2010 election. I directed the negotiations that led to the consent decree resolving U.S. DoJ's objections to Wisconsin's compliance with the MOVE Act.

The Director has met frequently with Katie Mueller, the agency MOVE Act coordinator; Mike Haas, David Buerger, Diane Lowe and Nat Robinson to review the implementation of our MOVE Act compliance activities.

On September 7, 2010, the Director and Jonathan Becker, along with Staff Counsels Mike Haas and Shane Falk, participated in a teleconference with members of Wis DoJ Election Integrity Task Force to discuss the types of cases referred by the G.A.B. to District Attorneys and answer questions about jurisdiction and the resources we can provide Task Force members.

On September 8, 2010, Director Kennedy participated in a recorded discussion on the partisan primary in Wisconsin for Wisconsin Eye. In addition to a discussion of the history and mechanics of the partisan primary the program examined the options for moving the primary to accommodate the 45-day ballot delivery requirements of the MOVE Act. The program can be accessed at: http://www.wiseye.org/wisEye_programming/campaign10/ARCHIVES-CPN10_GOV.html#3789.

On September 10, 2010 the Director made a presentation, *Preparation for the 2010 Fall Elections: Resources for District Attorney. What to Watch For, What to Do on Election Day*, to local district attorneys and state prosecutors as part of the State Prosecutors Educational Training (SPET) program. The focus of the presentation was preparing for the general election and reviewing the types of issues prosecutors may encounter on Election Day. The Director has been doing the presentation since the 2004 general election.

He also participated in a series of meetings with representatives of the Wisconsin Department of Justice on litigation issues related to the legal actions to which the agency is a party.

On September 15 2010, the Director and Sonia Kubica attended the drawing conducted by Chief Justice Abrahamson in the Supreme Court Chambers to choose a member of the Government Accountability Candidate Committee Member Selection to replace Judge Dykman, who retired from his position as a judge on the 4th District Court of Appeals. Judge Margaret Vergeront was selected to replace him. Judge Vergeront was an original member of the Committee when it was created in 2007 and served until March 1, 2009 when the current members were selected. Committee Members serve 2-year terms that expire on March 1st of odd-numbered years. Sonia has been providing administrative logistical support for the Committee.

There were 3 recounts for state offices following the September 14th partisan primary. Recounts were held for the Republican primary in the 32nd, 45th and 84th Assembly Districts. In the 32nd Assembly District, the original winning candidate led by 4 votes after the initial canvass. He finished second by 3 votes after the recount. The deadline for the losing candidate to appeal the decision of the recount boards of canvassers was Monday, October 4, 2010. There was no change in the outcome of the other two recounts. David Buerger and Shane Falk put in a significant amount of time including over the weekend of September 25th and 26th to support the county boards of canvassers, ensure the recounts were conducted properly and completed quickly.

On September 28, 2010, the Director and a team from the Elections Division met with 27 Wisconsin County Clerks at their Fall meeting in Milwaukee. Following the meeting, the Director met with staff of the City of Milwaukee Election Commission.

Also on September 28, 2010, the Director met with Representatives of the Election Integrity polling place observer project in Milwaukee to provide information on the application of the agency's observer rules and respond to questions as part of their pre-election training.

The Director and Ethics and Accountability Division Administrator Jonathan Becker met with Elisabeth MacNamara, the president of the League of Women Voters of the United States on October 1, 2010. The discussion focused on protecting voter rights, educating voters, preventing voter suppression and fostering the disclosure of money in political advertising.

7. Compliance Review Enforcement

The Government Accountability Board has compliance review authority over the actions of local election officials to ensure they refrain from abusing their discretion and conform their conduct to law with respect to the administration of elections. Wis. Stats. §5.06, Wis Stats. The Board is authorized to delegate its authority to issue an order in this area to its Director and General Counsel.

Wis. Stats. §5.05 (1)(e) The Board makes this delegation in January of each year. When the agency receives a complaint or initiates an inquiry concerning allegations a local election official has acted contrary to law or abused his discretion with respect to the administration of elections, the staff conducts an investigation under the direction of one of the agency staff counsels.

In July, the agency received a complaint the Osseo-Fairchild school district clerk had acted contrary to law in refusing to certify the sufficiency of recall petitions filed against 3 school board members, including himself. After review of the petitions along with the sworn response of the clerk, the Director, following consultation with the Board Chair, issued an order directing the school district to conduct a recall election for the three board members including the clerk, in conjunction with the November 2, 2010 general election. A second order was issued to the 4 county clerks and 14 municipal clerks in the school district providing them with direction on how to conduct the recall election.

The Director also issued a §5.06 order to all the county and municipal election officials in the state setting primary election certification, ballot delivery and reporting deadlines. The Order also provided direction to local election officials to ensure compliance with the federal consent decree implementing the MOVE Act.

Looking Ahead

The staff will develop a response to findings identified in the federal audit of HAVA funds, implement legislative initiatives enacted into law affecting the agency, carry out a number of organization functions related to ongoing investigations, promulgate administrative rules and work with the elections division staff in preparation for the November 2nd election.

Action Items

1. Authorize the Director and General Counsel to proceed with proposing to eliminate the WECF election grant program and the polling place reimbursement program as part of the 2011-2013 budget reduction exercise.