

# State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
October 2, 2013  
9:30 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Consideration of Nominating Petition Challenge	2
B. Waive Board Members' Per Diems for Meeting	2

Present: Judge Gerald Nichol (in person) Judge Thomas H. Barland, Judge Michael Brennan, Judge Thomas Cane, Judge David Deininger and Judge Timothy Vocke (by telephone)

Staff present: Kevin Kennedy, Michael Haas, Jonathan Becker, Ross Hein, Sharrie Hauge, Jason Fischer and Reid Magney

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

Judge Vocke called the meeting to order at 9:31 a.m. Judge Vocke asked Judge Nichol to run the meeting because he was present in Madison.

### **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. Personal Appearances**

Division Administrator Michael Haas said any personal appearances would be taken under the appropriate agenda item.

## **D. Election Administration – Nomination Paper Challenge**

### **Fadness Complaint against Swiggum Relating to Sufficiency of Nomination Papers Case EL 13-5**

Mr. Haas presented an oral and written report based upon the review by Elections Specialist Jason Fischer of the challenge to the nomination papers of independent candidate Tim Swiggum in Assembly District 69. Staff initially determined Mr. Swiggum had 209 valid signatures. State statutes require 200 valid signatures for Assembly candidates. The challenge filed by Mr. Fadness alleged Mr. Swiggum had only 178 valid signatures. After reviewing the challenge, staff recommends striking five additional signatures and adding back two signatures which Mr. Swiggum asked staff to reconsider. After striking five signatures and reinstating two, Mr. Swiggum's total would be 206 valid signatures.

Mr. Swiggum appeared on his own behalf and said the G.A.B. staff had been very helpful and cooperative, and that he concurs with staff's findings.

Discussion regarding Mr. Fadness' affiliation. Director Kennedy said Mr. Fadness has had many contacts with staff on behalf of the Republican Party of Wisconsin.

Discussion regarding how many other candidates had filed nomination papers in Assembly Districts 21 and 69. The Partisan Primary will be held October 22 and the Special Election will be held November 19, 2013.

**MOTION:** Incorporate the staff recommendation as the Board's findings of fact and conclusions of law, and approve the challenge to Candidate Swiggum's nomination papers as to three signatures, strike two additional signatures, and add two signatures that were originally struck. Verify 206 valid signatures, and grant ballot access to Candidate Swiggum. Moved by Judge Cane, seconded by Judge Vocke.

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

Motion carried unanimously.

## **E. Waive Per Diems**

Director Kennedy asked the Board members whether they would waive their per diem payments because this is a teleconference meeting.

**MOTION:** Waive per diems for the October 2, 2013 teleconference meeting. Moved by Judge Vocke, seconded by Judge Cane.

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

Motion carried unanimously.

## **F. Closed Session**

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

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

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

Motion carried unanimously. The Board convened in closed session at 9:41 a.m.

## **G. Adjourn**

The Board adjourned in closed session at 10:30 a.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, October 22, 2013, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m.

October 2, 2013 Government Accountability Board meeting minutes prepared by:

/s/

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Reid Magney, Public Information Officer

October 8, 2013

October 2, 2013 Government Accountability Board meeting minutes certified by:

/s/

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Judge Michael Brennan, Board Secretary

October 22, 2013