

Meeting of the Board

Tuesday, December 16, 2014

Agenda
Open Session

9:00 A.M.

Board Room, Agency Offices

212 East Washington Avenue Third Floor

Madison, Wisconsin

Tuesday, December 16, 2014

9:00 A.M.

Page

A. Call to Order	
B. Director’s Report of Appropriate Meeting Notice	
C. Minutes of Previous Meetings	
1. October 28, 2014 Meeting	3
D. Personal Appearances	
E. Requests for Statement of Economic Interests Disclosure Waivers	
1. Waiver Standards	12
2. Requests for Waiver	Under Separate Cover
F. Proposed Legislative Agenda – Ethics Division	17
G. Ballot Format for 2015 Spring Primary	29
H. Revised 2015 Board Meeting Schedule	47
I. Per Diem Payment	Oral

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.

J. Director's Report

- | | |
|---|-----------|
| 1. Ethics Division Report - campaign finance, ethics, and lobbying administration. | 51 |
| 2. Elections Division Report – election administration. | 55 |
| 3. Office of General Counsel Report – general administration | 69 |

K. Closed Session

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|--------------------------------|---|
| 5.05 (6a) and
19.85 (1) (h) | The Board's deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session. |
| 19.85 (1)(c) | The Board may consider performance evaluation data of any public employee over which it has responsibility. |
| 19.85 (1)(f) | The Board may consider preliminary consideration of specific personal issues. |
| 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. |

The Government Accountability Board has scheduled its next meeting for Tuesday, January 16, 2015 by teleconference. The public may listen and observe the meeting at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin. The time of the meeting has not been determined.

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

State of Wisconsin\Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
October 28, 2014
9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Accepted Award from Wisconsin National Guard	2
B. Approved Minutes of September Meetings	2
C. Approved Advice Regarding Stale Conduit Funds	3
D. Denied Request to Use Common Law Rule in Determining Age to Vote	4
E. Approved Nomination Paper Standard for Printed Name	4
F. Discussed Statement of Economic Interests Disclosure Waiver	6
G. Approved Post-Election Audit Procedures	6
H. Approved Per Diem Payments for August and September Meeting Preparations	7
I. Approved Director's Report	7

Present: Judge Thomas Barland, Judge Harold Froehlich, Judge Elsa Lamelas,
Judge Timothy L. Vocke and Judge John Franke.

Absent: Judge Gerald C. Nichol

Staff Present: Kevin J. Kennedy, Jonathan Becker, Michael Haas, Ross Hein, Sharrie Hauge,
Nathan Judnic, David Buerger, Brian Bell and Reid Magney

A. Call to Order

Chairperson Barland called the meeting to order at 9:01 a.m., and noted that Judge Nichol was unable to attend due to illness.

B. Director's Report of Appropriate Meeting Notice

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

E. Presentation by Wisconsin National Guard

(This item was taken out of order.)

Director Kennedy introduced Ethics and Elections Specialist Brian Bell, a captain in the U.S. Army Reserve, who nominated Director Kennedy, Elections Division Administrator Michael Haas and Ethics Division Administrator Jonathan Becker for a Patriot Award, recognizing an employer’s commitment to provide support to citizen-soldiers that encourages and enables continued service in the military. Captain Bell introduced Scott Legwold, a local representative of Employer Support for the Guard and Reserve (ESGR), which is a Department of Defense program. Mr. Legwold presented the recipients with their awards and thanked them for their commitment. Mr. Haas said the awards belong to the entire agency because everyone pitches in when Captain Bell is away on Army Reserve duty.

C. Approval of Minutes of Previous Meeting

September 4, 2014 Meeting

MOTION: Approve the minutes of the September 4, 2014 meeting of the Government Accountability Board. Moved by Judge Vocke, seconded by Judge Franke. Motion carried unanimously.

September 19, 2014 Meeting

MOTION: Approve the minutes of the September 19, 2014 meeting of the Government Accountability Board. Moved by Judge Franke, seconded by Judge Vocke. Motion carried unanimously.

D. Personal Appearances

Karen McKim of Waunakee appeared on behalf of the Wisconsin Grassroots Network Election Integrity Action Team to comment on agenda item I, post-election audit procedures. She agreed with staff there is no need for the audit to focus on ambiguously marked ballots and that pre-dawn auditing is not advisable. She disagreed with staff’s position that audits should not begin until after the G.A.B. has certified the election results, and said any errors discovered by the audits should be corrected prior to certification.

Discussion.

Michael Wilder of Wauwatosa appeared on behalf of Wisconsin Voices to comment on the group’s experience assisting people who needed to get state ID cards. He suggested greater interaction between the staff of the G.A.B. and the Division of Motor Vehicles because he said some people experienced difficulty getting information at the DMV.

Discussion.

Erika Wolf of Milwaukee appeared on behalf of Wisconsin Voices to comment on the group’s experience assisting voters who are elderly and infirm who needed to get state ID cards. She said many of these voters did not realize they were exempt from the photo ID requirement, and suggested creating a special absentee ballot application for them.

Discussion.

Attorney Mike Wittenwyler of Madison appeared on behalf of the Association of Wisconsin Lobbyists to discuss stale conduit funds and redirection to associated political action committees. He said this is an important issue for conduit administration because unlike a PAC, a conduit needs approval of the member before it can disburse funds, and sometimes funds become stale because conduit members cannot be reached. He said 2014 Wisconsin Act 153 addressed the problem, but that the G.A.B. staff is ignoring the language in the statute.

Mr. Becker said this item was intended to be taken up in closed session under requests for advice. Attorney Wittenwyler said he was not seeking confidential advice.

MOTION: To consider the issue of stale conduit funds and redirection to associated political action committees in open session. Moved by Judge Vocke, seconded by Judge Franke. Motion carried.

The Board, staff and Attorney Wittenwyler discussed the issue at length. Mr. Becker said the law was poorly drafted, and it is clear that the legislative intent was to allow the return of stale conduit funds to the sponsoring organization, but the statute itself does not say that.

The Board, staff and Attorney Wittenwyler discussed proposed advice developed by staff.

MOTION: Adopt the following advice to the Association of Wisconsin Lobbyists: “The Government Accountability Board advises that a conduit may redirect contributions to a PAC or other committee under Wis. Stat. §11.185 (1) if that committee has established or paid the administrative expenses of the conduit, whether or not it has registered as a sponsoring committee, or (2) if the committee was established by the same organization that established the conduit. The Board further advises that a mere confluence of interests or the fact that a depositor has previously directed the conduit to make a contribution to a PAC is not enough to consider the two entities as “associated” within the meaning of the statute.” Moved by Judge Vocke, seconded by Judge Froehlich.

Discussion.

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

Motion carried 5-0.

F. Request for Opinion on Birthday Determining Eligibility to Vote

Director Kennedy introduced Attorney Timothy Ziolkowski of Grafton, who appeared on behalf of his son, Zachary Ziolkowski, to request an opinion of the Board about whether Zachary could register and vote in the November 4, 2014 General Election. Attorney Ziolkowski said Zachary’s birthday is November 5, but according to the common law rule taught in Zachary’s high school business law class, he turns 18 on November 4. He said no state statute defines when someone turns 18. He reviewed several court cases, which he said have not settled the issue, so common law must apply.

The Board, staff and Attorney Ziolkowski discussed at length the issue of when someone turns 18. Director Kennedy said the Statewide Voter Registration System was designed to treat a voter’s birthday as the day he or she becomes eligible to vote. Zachary Ziolkowski said he wants to vote so his opinion will be heard. Board members stated that they did not wish to go against prior practice.

MOTION: Deny the request of Zachary Ziolkowski to follow the common law interpretation of when a person is 18 years old in interpreting § 6.02 and apply the practice of common sense. Moved by Judge Vocke, seconded by Judge Lamelas.

Further discussion.

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

Motion carried 5-0.

Judge Barland called a recess at 10:46 a.m. The Board reconvened at 10:59 a.m.

G. Nomination Paper Standard for Printed Name

Elections Division Administrator Michael Haas introduced Elections Specialist David Buerger, who made an oral presentation based on a written report starting on page 15 of the October Board meeting materials packet. In April 2014, the Board adopted standards for implementing 2013 Act 160, which required that “each signer of a nomination paper shall legibly print his or her name.” The standards approved by the Board in April focused on legibility and not on the meaning of the term “printed.” When reviewing more than 100,000 signatures on nomination papers for the fall elections, G.A.B. staff came to realize the complications of applying a requirement which may have appeared straightforward on its face.

Staff recommends the Board adopt the following standards in interpreting and administering 2013 Act 160 to determine the sufficiency of signatures on nomination papers and other election petitions:

1. The filing officer shall confirm that the signer has completed information in both the “Signature” box and the “Printed Name” box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an “X” or by using either traditional printed letters or a handwritten signature. Similarly, the signer’s printed name is not required to include only letters that are separated from one another.
2. If the filing officer can discern no part of the signer’s name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

The Board and staff discussed the recommendation, and whether to move away from a judicially conservative view to a practical approach that would allow for clearly legible name written in cursive, where all or some letters connect. The Board and staff discussed what constitutes a printed name versus a cursively-written name. Judge Franke said he had concerns about the recommendation due to problems with the subjective nature of legibility.

MOTION: Accept the staff recommendation for administration of 2013 Act 160 on page 19 of the October Board meeting materials. Moved by Judge Lamelas, seconded by Judge Vocke.

Discussion. Judge Franke said he believes the Board needs to follow the Legislature’s intent when it used the word “printed,” and the staff’s recommendation leaves too much to judgment about how much of the name can be cursive.

Roll call vote: Barland:	Aye	Franke:	No
Lamelas:	Aye	Froehlich:	Aye
Vocke:	Aye	Nichol:	Absent

Motion carried 4-1.

The Board and staff discussed the best way to communicate to the Legislature that the statute needs to be clarified. After discussion, Judge Barland suggested that the staff write a letter to the Legislature, and let the legislative staff wrestle with clarifying language.

H. Requests for Statement of Economic Interests Disclosure Waiver

Mr. Becker made an oral presentation based on a written memo starting on page 22 of the October Board meeting materials. The Board considered this question at its September meeting and asked staff for more information. Mr. Becker said staff's view is that waivers should be granted cautiously and rarely because no one is compelled to be a state public official. However, it would be unfortunate if the reporting requirements discouraged an individual from entering public service or had a detrimental effect on an official's economic standing. The memo describes a series of factors the Board could take into consideration in determining whether to grant a waiver.

The Board and staff discussed the issue of whether, and under what conditions, the Board should grant a waiver to a public official who is required to file a Statement of Economic Interests. Some officials have spouses with extensive business interests and may have to disclose client lists, while others are attorneys or partners in law firms and may have to disclose clients. Based on the discussion, staff agreed to refine the memo, which will contain a policy for the Board to consider adopting. Once the Board adopts a policy, it will consider specific requests for waivers.

I. Post-Election Audit Procedures

Elections Supervisor Ross Hein made an oral presentation based on a written report starting on page 31 of the October 2014 G.A.B. Meeting Materials. He said 100 reporting units will be randomly selected by staff to conduct audits of voting equipment accuracy. The report contains proposed procedures and proposed guidance to municipalities conducting the audits. Mr. Hein addressed Karen McKim's request that audits be allowed prior to certification of election results, noting that staff is concerned about timing and security.

The Board and staff discussed Ms. McKim's concerns about discovering problems before the election results are certified. Director Kennedy noted that already-established post-election procedures such as reconciling voter lists and vote totals and comparing ballot numbers with the number of voters, as well as the canvass process, are there to catch any errors. He noted that the only way to challenge the outcome of an election is through a recount, and only the candidates can ask for a recount.

The Board, staff and Ms. McKim discussed the timing of post-election audits and whether they could practically occur prior to certification. Mr. Haas said the statutes did not contemplate the post-election audit to be related to certification.

MOTION: Adopt the 2014 Post-Election Audit Plan as detailed in the document titled *Voting System Audit Requirements*. Moved by Judge Vocke. The motion was not seconded.

The Board and staff continued discussion regarding the timing of post-election audits. Judge Franke expressed concerns about waiting until after certification, and Judge Lamelas suggested leaving it up to clerks to decide when to begin their audits.

MOTION: Adopt the 2014 Post-Election Audit Plan as detailed in the document titled *Voting System Audit Requirements*; however, clerks would be free to begin the audit after they are notified of their selection. Moved by Judge Lamelas, seconded by Judge Froehlich.

Discussion. Judge Lamelas said she would like to amend her motion to include a requirement that clerks be required to notify the Board when they begin their audits. Judge Froehlich accepted the amendment.

Mr. Haas noted that the change in timing would require some guidance to clerks from the staff regarding security of ballots if they conduct audits prior to certification.

Roll call vote:	Barland:	Aye	Franke:	Aye
	Lamelas:	Aye	Froehlich:	Aye
	Vocke:	No	Nichol:	Absent

Motion carried 4-1.

J. Per Diem Payment

MOTION: Approve payment of Board Member per diem of one and a half days for preparation in addition to the meeting. Moved by Judge Vocke, seconded by Judge Franke.

Roll call vote:	Barland:	No	Franke:	Aye
	Lamelas:	No	Froehlich:	Aye
	Vocke:	Aye	Nichol:	Absent

Motion failed to 3-2. Four yes votes are required.

MOTION: Approve payment of Board Member per diem of one day for preparation in addition to the meeting. Moved by Judge Vocke, seconded by Judge Franke.

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

Motion carried 5-0.

K. Director's Report

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

Written report from Division Administrator Becker and Division staff was included beginning on Page 45 of the Board meeting packet.

Elections Division Report – election administration

Written report from Division Administrator Haas and Division staff was included beginning on Page 48 of the Board packet.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy, Sharrie Hauge, and Reid Magney was included beginning on Page 64 in the Board packet.

MOTION: Accept written staff reports. Moved by Judge Vocke. Judge Barland said the motion was approved by unanimous consent.

Judge Barland called a recess at 1:18 p.m. The Board reconvened at 2 p.m.

L. 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; confer with counsel concerning pending litigation; and consider performance evaluation data of a public employee of the Board. Moved by Judge Vocke, seconded by Judge Lamelas.

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

Motion carried unanimously. The Board convened in closed session at 2:03 p.m. The Board adjourned in closed session at 5:09 p.m.

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, December 16, 2014, at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor, Madison, Wisconsin beginning at 9 a.m.

October 28, 2014 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

November 25, 2014

October 28, 2014 Government Accountability Board meeting minutes certified by:

Judge Timothy Vocke, Board Secretary

December 16, 2014

State of Wisconsin \ Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For December 16, 2014 Board meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Jonathan Becker
Ethics and Accountability Division Administrator

SUBJECT: Standards for Waiver of Financial Disclosure Requirements

Attached is a redrafted memorandum on proposed standards for the Board to follow in deciding whether or not to grant a waiver of any financial interest disclosure requirement contained in Wis. Stat. §19.44. The changes reflect Board discussions from its last meeting and are underlined. There are currently three waiver requests currently before the Board. Those materials are attached as well. I note that Wis. Stat. §19.43 (8) requires the Board to “set forth in writing as a matter of public record its reason for [a] waiver.”

Proposed Motion

That the Government Accountability Board adopt the considerations laid out in the attached memorandum for deciding whether or not to grant a request for waiver of any financial interest disclosure requirement contained in Wis. Stat. §19.44.

State of Wisconsin \ Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For December 16, 2014 Board meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Jonathan Becker
Ethics and Accountability Division Administrator

SUBJECT: Standards for Waiver of Financial Disclosure Requirements

Introduction

Wisconsin's Code of Ethics for State Public Officials requires approximately 2,500 state officials to file a Statement of Economic Interests on an annual basis. Wis. Stats. §§19.43 and 19.44. In general, the requirement applies to all state elected officials, top agency management, legislative service agency employees, and all gubernatorial appointments requiring Senate confirmation, as well as to candidates for state elective office.

The purpose of financial disclosure is twofold: (1) To give the public confidence that a state official is not acting in matters in which the official has a personal financial interest; and (2) To annually make an official think about the official's economic ties so that the individual may avoid conflicts.

Nonetheless, Wis. Stat. § 19.43 (8) provides that the Government Accountability Board may waive any financial disclosure requirement:

19.43 (8) On its own motion or at the request of any individual who is required to file a statement of economic interests, the board may extend the time for filing or waive any filing requirement if the board determines that the literal application of the filing requirements of this subchapter would work an unreasonable hardship on that individual or that the extension of the time for filing or waiver is in the public interest. The board shall set forth in writing as a matter of public record its reason for the extension or waiver.

The statute does not provide any further interpretation of what constitutes an unreasonable hardship or what is in the public interest. In my memory, the former Ethics Board granted one waiver to an employee of the Legislative Audit Bureau with respect to the employee's husband's start-up business customers as long as the employee disclosed the customer list to her employer.

We asked our legal intern to contact other states to learn if any that require financial disclosure have standards for waiving any disclosure requirement. We have not found any states that have waiver standards or that have granted a waiver more than once.

Considerations

In my view, there are no broad public policy values that dictate any firm and fast rule for granting any across-the-board waivers. Rather, waiver requests should be handled on a case-by-case basis. To do otherwise would, in essence, preempt the legislative prerogative in determining what financial information a state official or candidate should disclose. [All requests for waivers should be referred to and decided by the Board.](#) Here are my thoughts on considerations the Board should take into account in determining whether or not to grant a waiver in a specific case:

What position does the official hold?

- Elected officials – The Board should be hesitant in granting any waivers to state elected officials. Such individuals generally exercise broad powers and in choosing whether or not to run for office an individual can take financial disclosure requirements into consideration. To use a judicial analogy, strict scrutiny should be applied.
- Full-time appointed officials – Such top management individuals also exercise broad powers, albeit in narrower areas than elected officials. Nonetheless, they exercise much control over regulatory and financial matters in the areas in which their agencies operate.
- Part-time appointed officials – Part-time officials do not exercise the broad powers that elected and full-time officials do. They generally oversee Boards with limited jurisdiction and are more likely than full-time officials to have other jobs and active business interests. Such individuals' service on state boards is a public service for which they receive little remuneration and, if disclosure would interfere with an individual's perceived ability to carry on the individual's private economic endeavors, it could lead to an unwillingness to serve.
- Employees with limited decision making power – Some agencies, such as the G.A.B., the Wisconsin Economic Development Corporation, the Legislative Audit Bureau, and the Wisconsin Housing and Economic Development Authority, require all employees, or all non-clerical employees, to file a statement. These employees may have relatively little control over regulatory and financial matters, and waiver may present less of a threat to the public interest.
- An important question is: What is the relationship between the official's governmental duties and the economic interests that the official does not want to disclose? The answer to this question should weigh heavily in a waiver consideration.

How important is confidentiality of the economic interest sought to be protected?

- While many individuals would like to keep their financial interest information confidential, there seem to be two areas in which some sensitivity seems justified. The first is an attorney's clients. While staff believes that the Code of Professional Conduct does not prohibit an attorney from disclosing clients on a Statement of Economic Interests (see previous attached

memo on this), lawyers are justifiably sensitive to this. There are two statutory requirements that may require an attorney to disclose clients:

(1) Lawyers must disclose every organizational client (and lobbyist) from which a law firm in which they have a 10% or greater interest has received \$10,000 or more in the prior calendar year. A lawyer's partners may be sensitive to the disclosure of clients that may not be the reporting official's. Clients may also be sensitive about the disclosure that they have sought legal advice from a firm. This should be given consideration in determining whether to grant a waiver request. Countervailing arguments to granting a waiver are considerations of whether a client engages in activity related to the official's regulatory responsibilities.

(2) Lawyers must disclose every organizational client (and lobbyist) for which they are an authorized representative or agent on December 31 of each year. In this regard, we have said "An official need not identify clients of the official's firm for which the official did not act as an authorized representative or agent in dealings with third parties or act in a supervisory capacity with respect to other attorneys in the firm who did provide such services." The keys are that this disclosure requirement only requires a snapshot disclosure and applies only to clients represented in situations in which non-clients will know of the representation (and there is no longer an attorney-client privilege). In my view, a waiver is less justified with respect to such clients.

- For a start-up business or in a competitive business situation, the disclosure of customers may be detrimental. This may bolster a business owner's request for a waiver in some situations, but the harm should not be simply speculative.
- [It is less important to disclose clients or customers not located or doing business in Wisconsin. It is unlikely that a relationship with such non-Wisconsin entities could present a conflict of interest situation for an official. This is true whether the relationship might be known by others than the official and the entity. This appears to be recognized by Wis. Stat. §19.44 \(1\) \(b\) which provides that an ownership interest in a company not doing business in Wisconsin is not required to be disclosed.](#)

How many interests does an official have?

- If an official has a great many interests to report, reporting may create a heavy administrative burden on the official. Moreover, it may be that no particular customer, client, or business interest is important if an official has very many such interests.

Conclusion

In staff's view, waivers should be granted cautiously and rarely. No one is compelled to be a state public official – it is always voluntary and the reporting requirements should be known up front. On the other hand, it would be unfortunate if the reporting requirements discouraged an individual from entering public service or had a detrimental effect on an official's economic standing.

The considerations listed should be viewed and used as part of a sliding scale of factors. Staff strongly believes that waiver determinations should continue to be made on a case-by-case basis and that the burden should be on the individual requesting a waiver to demonstrate the undue hardship that would be imposed by disclosure. A showing should be required that undue hardship

is not simply speculative. And a requester should establish a showing of hardship by clear and convincing evidence. If the Board grants a waiver, such waiver could be conditioned on the requirement that an official recuse himself or herself from any matter that involves or impacts the entity that has not been disclosed whether or not a statutory conflict would otherwise exist. The Board might also consider requesting that the Legislature adopt a statutory change that would permit the Board to grant a waiver contingent on the individual filing the information with the Board, but exempting such information from the public records law.

State of Wisconsin \ Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Jonathan Becker
Ethics and Accountability Division Administrator

Presented by:
Brian M. Bell, MPA
Elections and Ethics Specialist

SUBJECT: Campaign Finance, Lobbying, and Ethics Potential Legislative Changes

Background

Throughout its existence, the Wisconsin Government Accountability Board has recommended action to the State Legislature for several reasons. Some recommendations sought clarification of existing statutes. Other requests recommended changes to implement nationally recognized best practices. The Board has also adopted positions to communicate concerns of county and municipal clerks. Beginning with its first meeting, the Board reviewed applicable statutes and administrative code, as well as the policy and procedures of the previous Ethics Board and Elections Board. In 2009, the Board also adopted an Ethics and Accountability legislative agenda. The Wisconsin Government Accountability Board has repeatedly acted to make direct recommendations to the State Legislature or to direct staff to work with Legislators and their staff to make statutory changes. The Board has historically done so to promote enacting best practices and implementing policies consistent with its mission of administering and enforcing ethics, lobbying, campaign finance, and elections laws, enhancing representative democracy, and ensuring the integrity of the electoral process in Wisconsin.

Recent court cases have had a major impact on campaign finance laws in Wisconsin. In *Young v. Vocke*, the court struck down as unconstitutional the \$10,000 annual aggregate limit on an individual's campaign contribution. The effect is that there is now no individual limit on how much an individual may contribute to a political party or legislative campaign committee. *Barland II* held the definition of "political purpose" unconstitutional in the context of independent disbursements and held that only organizations that make independent disbursements as their "major purpose" are regulable. Even then, the court held that the existing regulatory scheme of

registration and reporting would be too burdensome for such organizations. The resulting issues from these cases need to be addressed.

Introduction

Ethics and Accountability Division staff members compiled recommended changes to current policy identified by members of the State Legislature, registered committees, lobbyists, lobbying principals and the public. Staff also conducted a detailed review and analysis of current statutes, administrative code, and current Board policies in order to identify potential changes that may improve efficiency, cost-effectiveness, public comprehension, and general policy administration. The potential changes below are those identified by staff that improve administrative processes, provide clarity or simplification to existing policies and procedures, update policies to reflect modern practices, or changes necessary because of recent litigation and court decisions. Potential changes are grouped by provisions related to campaign finance, lobbying, and ethics.

Potential Campaign Finance Changes

If the State Legislature chooses to pursue a complete redrafting of state campaign finance law, staff recommends that the Board should adopt the proposed outline that would identify nationally recognized best practices and lessons learned from the Board's and staff's experience administering campaign finance laws. G.A.B. staff identified a few major areas that the Legislature may wish to consider, in the outline below. The Board may consider refining this list and directing staff to prepare to coordinate with legislative staff on a complete revision of Wisconsin's campaign finance laws consistent with such an outline.

- Redefine political purpose consistent with *Barland II*;
- Address registration and reporting requirements for organizations that only make independent disbursements consistent with *Barland II*;
- Determine what coordination should be permissible and what should be prohibited – specifically, prohibit a candidate from directing or controlling another's speech;
- Address whether or not corporate contributions should be allowed;
- Determine reporting requirements related to independent disbursements;
- Establish thresholds for registration and reporting and to what committees those thresholds apply;
- Consider adjusting contributions limits enacted in the 1970s;
- And consider reinstating contribution limits from individuals to non-candidate committees removed when the aggregate limit was deemed unconstitutional.

The following section of this document addresses some potential changes to Wisconsin's campaign finance statutes. Several recent court cases at the state and federal levels, as well as increased attention from State Legislators, the media, and public have drawn attention to Wisconsin's campaign finance laws. The sections below consider only modifications to the current statutes. These changes may not represent an exhaustive list of changes that may be required because of recent court decisions. They also do not account for any consideration to completely rewrite Wisconsin's campaign finance statutes.

1. §11.01(5). This provision defines “communication media” to include *newspapers, periodicals, commercial billboards, and radio and television stations, including community antenna television stations*. For clarity and modernization, the Legislature could revise this definition to include internet site and cable television stations in the definition of communications media. Vermont defines mass “media activity” as *a television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office*. The definition might also include billboard advertisements, online news sources, and cable news channels.
2. §§11.01(6)(b)6 and 11.01(7)(b)5. These statutory provisions involve limits on the reuse of surplus materials. These are the only instances in chapter 11 that use \$400 as a threshold. For the purposes of clarity and improved comprehension and training, the Legislature could consider revising these provisions by changing \$400 to a more commonly used amount, such as \$2,500, which is also the registration threshold for referendum committees.
3. §11.05(2r). This provision outlines the general requirements for exemption from filing campaign finance reports. The State Legislature may wish to consider changing the \$1,000 threshold to \$2,500 to match the threshold for referenda groups. This potential change would also affect *Wis. Stats. §§11.14(3) and 11.19(2)*. The Legislature may also consider raising the itemized contribution threshold in this section from \$100 to \$250, consistent with the individual contribution limit to local candidates.
4. §11.05(3). This provision outlines the information required for campaign finance registration statements. The registration information only identifies name and mailing address. In order to improve administrative efficiency and to prevent having to revise this provision any further should new forms of communication become more prevalent, the Legislature could consider revising this provision to require “contact information as prescribed by the Board” in order to currently request phone numbers and email addresses. That language could also allow the Board in the future to request other information that could be provided to the public (Facebook pages, twitter accounts, websites, etc.)
5. §11.05(10). To be consistent with the Legislative Reference Bureau’s policy of gender neutrality in statutory language, the Legislature should change “husband and wife” to “spouses.”
6. §11.055(3). The Legislature could consider striking the provision that exempts candidates and personal campaign committees from paying a filing fee. Currently, the GAB receives fees only from non-candidate committees. However, there are more candidate committees than all other types of committees combined (approximately 1450 vs 1300), and candidate committees take up more than half the time GAB staff spends on campaign finance questions. Staff estimates that this may generate additional revenue of approximately \$53,000 per biennium.
7. §11.09. This provision of the statutes was intended to facilitate public access to campaign finance reports prior to the pervasiveness of internet access to the general public. In the interest of cost-effectiveness and administrative efficiency, the Legislature could act to eliminate the duplicate filing requirement.

8. §11.12(2) and (3). For improved administrative efficiency, the Legislature could consider revising these provisions by changing the threshold to \$20 to make anonymous and un-itemized limits consistent.
9. §11.12(5). When the late reporting requirement was changed from 24 to 48 hours, the statutes were not amended to reflect how to handle the reporting of contributions the day prior to the election. The Legislature could consider revising this section to require reporting within 24 hours any contributions of \$500 or more received less than 48 hours from the date of the election.
10. §11.12(6). The Legislature could consider changing the \$20 threshold for 48-hour reporting in this provision to \$500, consistent with Wis. Stats. §§11.12(5) and 11.23(6).
11. §11.20(2m). Based on experiences related to the 2012 Recall Elections and the 2013 Assembly Special Elections, the Legislature could consider revising this provision by changing the due date of the post-election report to no earlier than the end of the campaign period defined in §11.26(17)(d) to include:

“...And no later than 7 days after that date. If a regular campaign finance report is due within 31 days of the end of the campaign period, the Board may extend the due date of the post-election report to coincide with the due date of the regular campaign finance report.”

This would ensure that the post-election campaign finance report covered the entire campaign period. In concert with the proposed change to 11.26(17)(d), it would also allow post-election reports for special elections in May, June, November, and December to be filed with the next regular continuing report.

12. §11.20(3)(a). This statutory provision contains a loophole whereby candidates for partisan state public office are not required to file a pre-primary report if their name does not appear on the Partisan Primary ballot. In practice independent candidates do not have to file the pre-primary report, because their names no longer appear on the partisan primary ballot. The Legislature could consider a revision that would require all candidates for state office to file a pre-primary campaign finance report regardless of whether or not their name appears on the Primary ballot. Striking “nonpartisan” would accomplish this.
13. §11.20(4) and (8). These provisions establish the reporting periods and deadlines for the standard continuing campaign finance reports. In order to simplify administrative processes and to help filers better remember filing deadlines while providing consistent time to complete and submit the reports, the State Legislature could consider standardizing these deadlines (e.g., January 15th and July 15th). In determining a standardized deadline, the State Legislature may wish to take into consideration potential proximity to election dates (e.g., the Spring Primary and the Partisan Primary). Current deadlines are January 31 and July 20 respectively. With most candidates using the Campaign Finance Information System (CFIS) to file reports electronically, moving the deadlines up should not impose a significant burden on registrants.
14. §§11.21(2) and 11.22(3). These sections require the Board and local filing officers, respectively, to send forms by first class mail. The Legislature could consider revising these provisions by striking “first class mail” or by modifying these provisions only to require

providing the forms, in order to facilitate more cost-effective means of providing the forms, such as making them available online or through email.

15. §11.21(16). This statutory provision outlines the requirements related to electronic filing of campaign finance reports. Both the statute and the reference G.A.B. administrative code refer to outdated technological terms. The Legislature could remedy this by modifying this provision to state:

“To facilitate implementation of this subsection, the board shall provide a website to allow registrants to electronically file reports; enable registrants to provide an electronic signature on required reports as defined in 137.11(8) that is subject to a security procedure as defined in 137.11(13); and to facilitate training for registrants on how to utilize the electronic filing system.”

16. §§11.26(1)(d) and 11.26(2)(e). – In order to simplify instructions and improve administrative efficiency, the Legislature could consider modifying these provisions that apply to candidates for local offices to be consistent with each other (e.g., change the committee limits to match the individual limits). The limits could be modified to \$250 for jurisdictions with a census population under 100,000; \$500 for jurisdictions with a census population above 100,000 and under 300,000; and \$1,000 for jurisdictions with a census population of 300,000 or more.
17. §11.26(4). This provision establishes aggregate contribution limits for individuals, which was permanently enjoined by the Eastern District Court in *Young v. Vocke*. The Legislature should consider striking this provision entirely. Additionally, because there is now no individual limit on contributions which may be given to a political party, the Legislature should consider applying a limit to those contributions.
18. §11.26(9). In *CRG Network v. Barland*, this provision, which established limits on how much money a candidate could accept from a PAC, was determined to be unconstitutional, and the Legislature should remove it from the statutes.
19. §11.26(17)(d). This section defines the campaign periods used for different campaign finance reporting periods. In the interest of administrative efficiency and to reduce the reporting burden on registrants, the Legislature could modify this provision to state that the campaign period for special elections in June or December would end at the end of that respective month, rather than the end of the following month. See also the proposed change to *Wis. Stat. 11.20(2m)*.
20. §11.65. This provision requires registrant to report certain information within five days of a donation to a charity or the common school fund. This contribution would also already be included on the registrant’s next required report. In order to improve administrative efficiency and to reduce the reporting burden on registrants, the Legislature could consider striking this additional reporting requirement from the statutes.

Potential Lobbying Changes

21. §13.625. This provision outlines prohibited practices for lobbyists. The construction of this provision meanders back and forth between prohibited and permissible practices. For clarity, the State Legislature could revise this provision in order to clarify prohibited and permissible practices. The State Legislature could also choose to clarify whether and/or when lobbyists

may furnish a campaign contribution other than a personal contribution. Please refer to the additional memorandum included in the meeting materials regarding proposed language revision for this section of the statutes.

22. §13.625(1)(b) and 13.69(2). These statutes create a loophole that does not require a committee to return a lobbyist's illegal campaign contribution. Instead, they could either keep the entire contribution, or return a portion to allow the lobbyist to cover the \$1,000 forfeiture. The State Legislature could revise these statutes to require the candidate committee to return the contribution to the lobbyist. While the Board may pursue the matter in court under current statutes, the Legislature could decide to require by statute the return of the unlawful contribution and forfeiture for accepting it.
23. §§13.625(6g) and (6r). These provisions of the statutes use the term "legislative official" that is not specifically defined in this section of the statutes, nor under *Wis. Stat. §13.62 Definitions*. For clarity, the legislature could revise these provisions by changing "legislative official" to "legislative employee" as defined in *Wis. Stat. §13.62(8m)* which means legislators and employees of the Legislature and legislative services agencies.
24. §13.685(7). This provision requires the Board to provide information to legislative clerks related to lobbying. All required information is publicly available on the Board's *Eye on Lobbying* website. The State Legislature could consider eliminating this unnecessary provision.
25. §13.68(6). This provision of the statutes requires that the Board "mail written notices" to lobbying principals and authorized lobbyists of those principals that fail to file timely reports. The Legislature could modernize this provision to facilitate more cost-effective means of notification such as email by replacing "mail written notices" with "provide notice by the most effective means available" or other similar language.

Potential Ethics Changes

26. §5.05(2m)(c)5.d. The Legislature could create a new provision to state "a recommendation to terminate the investigation for good cause shown" to allow another option for investigators when making recommendations to the Board. This would allow the Board to make the findings public in instances where there may be enough evidence for probable cause but not enough to prevail, or where the case does not warrant a penalty.
27. §5.05(2m)(c)12. In 2013, 16 Campaign Finance Audit settlements were over \$1000, two were over \$5,000. To improve administrative efficiency, the Legislature could amend this provision by striking "by rule" and changing the aggregate limit for settlements from \$1,000 to \$5,000.
28. §5.05(5s). This section of the statutes does not allow the Board to release confidential information to the Legislative Audit Bureau (LAB) for official purposes related to an audit of the Board, or any area under the Board's authority and responsibility. The Legislature could consider amending this section to grant the Board permission to share confidential information with the LAB after completion of a confidentiality agreement, similar to what the Board requires of staff.

29. §5.05(5s)(e)(4). This provision relating to records that are open and available to the public could be clarified by adding "or that no further action is warranted." This would allow the Board to make the findings public in instances where there may be enough evidence for probable cause but not enough to prevail in court, or where the case does not warrant a penalty.
30. §19.42(12). The current definition of a security used to determine what financial information filers must be disclosed on a statement of economic interests (SEIs) excludes only certificates of deposit and deposit accounts such as a checking or savings account. There are other types of securities that would be included in the definition provided in Wis. Stat. § 551.102(28) that provide no substantial information regarding a person's economic interests that may influence their official actions. The Legislature could simplify the SEI reporting and reduce the burden on filers without reducing transparency regarding the economic interests of public officials by excluding defined benefit retirement plans, annuities, and money market funds from the definition of security in this provision of the statutes. The definition could also exclude mutual funds and exchange-traded funds (ETFs). All of these types of securities consist of a diverse conglomeration of securities not managed under the direct or indirect control or influence of the individual.
31. §19.42(14). This provision of the statutes defines "state public official" for determining who is subject to the state code of ethics. The current definition applies to elected officials only upon assuming office, and would not apply during the period between winning an election and taking the oath of office. For the purposes of clarity and simplification, the Legislature could expand the definition of state public official to include Officers-elect; this definition should match the definition of elective state official in Wis. Stat. §13.62(6). For this provision the definition of Officers-elect could be as having been issued a certificate of election as stated in §7.70(5). It is significant to note that this suggested change would not require any additional SEI filing. The major effect of this potential change is that it would subject Officers-elect to the same conflict of interest and gift provisions applicable to serving elected officials after they are issued a certificate of election.
32. §19.43(4). The deadline for candidates to file their statement of economic interests does not currently coincide with the deadline for filing their declaration of candidacy and nomination papers. The Legislature could help to simplify this requirement for candidates by changing this provision so that the deadline for candidates to file SEIs is consistent with other applicable deadlines, which is 5:00 p.m. on the deadline for filing nomination papers. See also *Wis. Stats.* §§8.16(2) (b) and 8.20(6).
33. §19.44(1)(g). This section of the Statutes outlines the required contents of the statement of economic interests (SEI form). The Legislature may wish to consider changing the dollar amount thresholds for identifying each individual from whom the filer receives gifts in aggregate of \$50 or more to \$100. This would include items like wedding gifts.
34. §§19.45(6) and 19.59(1)(g)8. These statutory provisions prohibit public officials from taking certain actions that would benefit them or their immediate family members. The Legislature could consider expanding this prohibition to forbid state and local officials from acting in quasi-judicial matters affecting the employer of the official or the employer of any of their immediate family members. This addresses situations not currently covered by statute's conflict of interest provisions that potentially present a conflict.

35. §19.45(7)(a)4. This statutory provision allows a state public official, including a lawyer-legislator, to represent a client for compensation before the Department of Revenue on tax matters. The Legislature may wish to consider repealing this provision to prevent the potential perception of a state public official using their position to exert undue influence.
36. §19.45(12). A U.S. District Court found this provision unconstitutional. The Legislature should repeal this provision. *Barnett v. State Ethics Board*, 817 F. Supp. 67 (1993).
37. §§19.48(5) and 19.55(2). The Board recently considered granting waivers of disclosing certain information on statements of economic interests (SEIs). The Legislature could consider revising these sections of statute to still require disclosure of the information to the Board on the SEI, but exempt the information from public disclosure if the Board approved such a waiver. This would still enable to the Board to investigate potential conflicts of interest.
38. §19.48(11). This provision relates to a website that allows the public to access information about procurement contracts (Contract Sunshine) as outlined in *Wis. Stat. §16.753(4)*. The State Legislature could improve administrative efficiency by incorporating this responsibility into the expenditure disclosure website, OpenBook.WI.gov, operated by the Department of Administration.

Recommended Motion: The Board adopts this document as its list of Ethics and Accountability Division legislative priorities, and directs Staff to collaborate with the Legislature to pursue legislation in order to enact the changes outlined in this document.

State of Wisconsin \ Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Jonathan Becker
Ethics and Accountability Division Administrator

Presented by:
Brian M. Bell, MPA
Elections and Ethics Specialist

SUBJECT: Proposed Language Revision to Wisconsin Statute §13.625

Introduction

This memorandum provides a proposed language revision to Wisconsin Statute §13.625 that would address several issues resulting from the meandering structure of the current language. Staff drafted this language by reorganizing the subsections into four more clearly distinct subsections. The italicized text listed at the end of a provision designates the related language in the current statutes.

Proposed Language Revision to Wisconsin Statute §13.625

- 1) No candidate for an elective state office, elective state official, agency official, legislative employee of the state, or personal campaign committee of a candidate for state elective office may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (3) and (4). *(3)*
- 2) No lobbyist or principal may:
 - a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto. *(1a)*
 - b) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action. *(1d)*

- c) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee lodging, transportation, food, meals, beverages, entertainment, money or anything of pecuniary value, except as permitted under subs. (3) and (4). *(1b)*

3) Exemptions to prohibited practices.

- a) This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. [19.56](#) for the activities listed in that section. *(7)*
- b) This section does not apply to the solicitation, acceptance or furnishing of anything of pecuniary value by the department of tourism, or to a principal furnishing anything of pecuniary value to the department of tourism, under s. [19.56 \(3\) \(em\)](#) or [\(f\)](#) for the activity specified in s. [19.56 \(3\) \(em\)](#). *(10)*
- c) Subsection (2) does not apply to the solicitation of anything of pecuniary value for the benefit of the endangered resources program, as defined in s. [71.10 \(5\) \(a\) 2.](#), by an agency official who administers the program. *(8)*
- d) Subsection (2) does not apply to the solicitation of anything of pecuniary value to pay the costs of remedying environmental contamination, as defined in s. [292.51 \(1\)](#), by an agency official of the department of natural resources. *(8m)*
- e) This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the Wisconsin Economic Development Corporation, or to a principal furnishing anything of pecuniary value to the Wisconsin Economic Development Corporation, under s. [19.56 \(3\) \(e\)](#) or [\(f\)](#) for the activities specified in s. [19.56 \(3\) \(e\)](#). *(9)*
- f) This section does not apply to the furnishing of educational or informational materials by a lobbyist or principal to an elected state official, legislative official, or agency official, or acceptance thereof by an elected state official, legislative official, or agency official. *(6t)*
- g) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value that is made available to the general public. *(2)*
- h) Subsection (1) and (2) (c) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual. *(6)*
- i) Subsection (1) and (2) (c) does not apply to the compensation or employee benefits provided by a principal to an employee who is a candidate for an elective state office but who does not hold such an office if the employee is neither an agency official nor legislative employee, and if the principal or employee can demonstrate by clear and convincing evidence that the principal's employment of the employee and the

compensation and employee benefits paid to the employee are unrelated to the candidacy. If the employee was employed by the principal prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employee benefits, except as provided by preexisting employment agreement, it is a rebuttable presumption that the employment and compensation and benefits paid are unrelated to the candidacy. (4)

- j) Subsection (1) and (2) (c) does not apply if provided by a principal that is a local unit of government to a legislative official or agency official who is an elected official of that unit of government, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated elected officials of the same local governmental unit, including the furnishing of a per diem or reimbursement for actual and reasonable expenses. (6g)
 - k) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value by a principal to an officer or employee of the University of Wisconsin System, or the solicitation or acceptance thereof by such an officer or employee, for service as a member of the governing body of the principal, in an amount not exceeding the amount furnished to other members of the governing body for the same service. (6s)
 - l) Subsection (1) and (2) (c) does not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances. (6r)
- 4) Furnishing campaign contributions.
- a) In this section, campaign contribution has the meaning provided in s. [11.01 \(6\)](#).
 - b) Lobbyists may furnish a campaign contribution to their own personal campaign for partisan elective office at any time. (1c2)
 - c) Lobbyists or principals may furnish a campaign contribution to a candidate for non-partisan state office at any time, as long as the candidate is not also a partisan state elected official.
 - d) Except as provided in subsection (d), lobbyists or principals may furnish a campaign contribution to a candidate for state partisan elective office or an elected partisan state official running for any office on behalf of themselves or others only between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election. (1c)

- e) A lobbyist or principal may not furnish any campaign contribution to a legislator running for any office or a candidate for legislative office if the legislature has not yet concluded its final floor period, or is in special or extraordinary session. *(1c1)*

State of Wisconsin\Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Diane Lowe
Lead Elections Specialist

SUBJECT: Ballot Format for 2015 Spring Primary

This memorandum summarizes the efforts of Government Accountability Board (G.A.B.) staff to improve the consistency and usability of ballot formats over the past year and new procedures it has implemented for development of ballot designs for future elections. Staff is requesting the Board's approval of recommended ballot formats for the 2015 Spring Primary and Spring Election.

A. Background

In late 2013 G.A.B. staff began to revise ballot formats based on complaints by voters that ballots were "hard to understand" and "difficult to navigate." Staff researched best practices and publications based on usability testing to compose simple instructions and to provide for "cleaner-looking," less cluttered ballots, and also incorporated informal feedback from local election officials. This effort was intended to improve consistency among ballot designs throughout the State while accommodating features and flexibility requested by ballot printers and voting equipment vendors.

This effort continued throughout 2014 as staff developed ballot formats for the spring and fall elections, taking into consideration feedback from local election officials, printers and equipment vendors. Consistent with its past practice, staff posted its recommended ballot formats for the 2014 General Election in mid-July, and then reviewed sample ballots submitted by county clerks to determine whether they substantially complied with the staff's recommended format. Some county clerks did not agree with all of the features of the revised ballot design based upon their own assessments of the ballot's readability as well as the operation of their specific voting equipment.

The staff's effort to improve the ballot format and the process of resolving ballot design issues with county clerks highlighted the G.A.B.'s statutory responsibility for and authority to establish a consistent format for ballots to be used throughout the State. It also illustrated the challenge of requiring strict adherence to a single ballot design. While staff requested some changes to the General Election sample ballots submitted by county clerks, it did not prevent any clerk from using a ballot format that varied from the one recommended by staff. In September, two political campaigns filed a lawsuit against the G.A.B. in Waukesha County Circuit Court, requesting an injunction to prevent the agency from requiring the use of its recommended ballot format. The lawsuit was eventually dismissed because the plaintiffs had not first filed a complaint with the Board.

For the 2015 spring elections, Board staff has initiated a more formal process of soliciting input regarding its ballot design and then presenting the recommended format to the Board. On November 21, 2014, a communication regarding ballot design was posted to the Recent Clerk Communication page of the G.A.B. website, along with four draft variations of spring primary ballots. The communication solicited input from county and municipal clerks, as well as ballot preparers and printers with whom staff regularly communicates, with respect to the format of the 2015 Spring Primary ballots before finalizing a recommended ballot format. Communications were also sent to the Republican and Democratic parties, as well as the two elections committees in the Legislature, to inform them of the revised process and to solicit their input regarding the ballot design.

The draft recommended ballots include both "arrow" and "oval" ballot layouts, with and without lines between candidate names. The draft ballots follow this memorandum and are presented for the Board's review and approval.

B. Key Considerations in Ballot Design

1. Statutory Requirements

The responsibility for prescribing all ballot forms is conferred upon the Board in Wis. Stat. § 7.08(1)(a). The draft ballots incorporate the ballot requirements set out in Wis. Stat. §§5.51-5.56.

Following are the relevant statutory provisions:

§ 5.51 General Provisions.

- (1) The type faced used on all paper ballots shall be easy to read.
- (2) All paper ballots shall be of sufficient width and length to provide space for all matter required to be printed on them.
- (6) All candidates' names for the same office shall be placed...on the ballot in the same size, style and color of type.
- (8) Unless otherwise specifically provided, the form of all ballots shall conform to the ballot forms prescribed by the board under s. 7.08(1)(a).

§ 5.52 Multi-candidate elections.

If more than one individual is to be elected to the same office from the same jurisdiction or district, the ballot shall provide at the top of the column or to the right of the row for that office: "Vote for not more than...candidates."

§ 5.54 Notice to electors.

Every ballot, except a voting machine ballot, shall bear substantially the following information on the face: “NOTICE TO ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.”

§ 5.55 Information.

On every ballot, except a voting machine ballot, shall be printed “Official...Ballot” or “Official... Ballot for...” followed by the designation of the polling place for which the ballot has been prepared, the date of the election, and the official endorsement and blank certificates. The number of the ward or wards or aldermanic districts, if any, and the name of the municipality may be omitted in printing and stamped or written on the ballots at any location which is clearly visible at the option of the county clerk. Printed information and initials shall appear on the back and outside of the ballot.

§ 7.08 Government accountability board.

In addition to the duties for ballot arrangement under ch. 5 and date and notice requirements under ch. 10, the board shall:

(1) ELECTION FORMS, VOTING APPARATUS (a) Prescribe all official ballot forms necessary under chs. 5 to 12 and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. The board shall include on each ballot form, in the space for official endorsement, markings or spaces for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial number. The board shall provide one copy of each ballot form without charge to each county and municipal clerk and board of election commissioners. The board shall distribute or arrange for distribution of additional copies. The prescribed forms shall be substantially followed in all elections under chs. 5 to 12.

2. Organization

The ballot is divided by the category of government holding the election. For the spring primary ballot the general categories are Judicial, County Offices, Multi-jurisdictional Municipal Judge Office (in some cases), Municipal Offices and School District Offices. Some ballots may also contain one or more special districts. Referendum questions appear last.

Within the Judicial and County categories, statewide or countywide offices are listed first followed by offices that represent smaller geographic regions within the state or county. Offices in the “Municipal” category are listed in the order in which they are mentioned in state statutes.

Judicial - Wis. Stat. §§ 751.-753.

Justice of the Supreme Court
Court of Appeals Judge
Circuit Court Judge

County - (Wis. Stat. §§ 59.10, 59.17)

County Executive
County Supervisor

Municipal - Wis. Stat. §§ 60.30(1)(a), 60.36)

Town Board Chairperson
Town Board Supervisor
Town Clerk
Town Treasurer
Town Assessor
Constable
Municipal Judge

Candidates for each office in nonpartisan elections are listed in random order determined by the drawing of lots as provided in Wis. Stat. § 5.60(1)(b).

3. Significant Usability Features of Recommended Ballot Formats for 2015 Spring Primary

In reviewing sample ballots submitted by county clerks, G.A.B. staff attempts to determine which elements of the ballot design are most essential to the goal of consistency and which elements may be afforded some flexibility to accommodate requests of ballot printers, equipment vendors and local election officials. Following are some of the significant features of the draft recommended ballots which have been the focus of staff's research and discussions with interested parties during its efforts to improve the ballot format:

Left-Justified Text: Except for major titles which are centered, all text is left justified. This is based upon recommended practices in graphic design because text is read from left to right, not from the center out. Centered type forces the eye to hunt for the beginning of the next line. Flush left or "asymmetrical" alignment is simple and highly legible.

Font and Case: All text uses a **sans serif font** and is in sentence case. A **sans serif font** is plain, without the ornamental line attached to the end of a stroke in a letter or symbol as found in **serif fonts**, like the one used in this memo. Usability research indicates that lower case letters make easier-to-recognize shapes than capital letters.

Instructions and Navigation: The instructions are plainly stated, provide examples of a properly filled-in oval or completed arrow, and inform the voter who to contact if he or she has questions. If offices within a category continue to the next column, the column heading reflects the continuation, i.e. "County (Cont.)." Navigational cues appear at the end of the last column and at the bottom of the ballot itself.

Shading: There are two types of shading: Reverse shading (white on black) to indicate the type of office and light grey to set off the offices. A line separates the office title from the candidates.

Lines vs. no lines between candidate names: There are pros and cons related to placing lines between candidate names, and differing opinions about their usefulness. Lines can give a "busy" or "cluttered" feel to the ballot and are not generally recommended as a best practice. But lines between names can serve as a guide to a voter with compromised vision if the oval or arrow is some distance from the candidate's name. In a general election where candidates and their party affiliations are both listed, lines can provide definition between one candidate and party and the next candidate and party.

Note: Due to the limitations of the agency software used to prepare the draft ballots, the ovals/arrows on the attached examples may not line up vertically and may not appear flush with the candidate names. When printed as an actual ballot, ovals/arrows must be vertically aligned and positioned in line with candidate names.

C. Suggestions from Interested Parties

G.A.B. staff received the following remarks regarding the 2015 recommended ballot format:

Deputy Clerk Sara Ludtke, Town of Middleton: “Since you are currently taking comments regarding possible changes to the ballot, is there any way GAB could include the initials of two inspectors in the area “For Official Use Only” when remaking a ballot? This would be extremely helpful since remaking the ballot must be done by two inspectors, then you know which two inspectors remade that ballot. It looks like there is room to include it.” *(Clerk Ludtke’s suggestion has been incorporated into the draft ballots.)*

Command Central and its printer Roto-Graphics: “Our preference is to see the ballot layout with lines between the candidates. We just feel it gives separation between the candidates and party affiliations when applicable. Even with a Non Partisan race it would give the ballots a consistent look from election to election.”

Dominion Voting Equipment: “We can do lines between candidates or without, without lines does not look as busy on the ballot and our software only shows the lines between names, it will not go all the way from side to side as it does not get positioned under the oval.” *(Note: Lines will never appear under the oval or the arrow on any printed ballot as this would interfere with the timing marks that are read by the scanner.)*

D. Substantial Compliance

Staff struggles with the goal to achieve uniformity in ballot design throughout the State, while still providing the flexibility to accommodate software limitations and conflicting personal preferences of Local Election Officials who print the ballots. For purposes of determining whether sample ballots produced by county clerks are in substantial compliance with the recommended ballot format created by the G.A.B., staff recommends the following delineation between “required” and “preferred” ballot components.

Required:

- Use of a sans serif font.
- Center positioning of ballot title, “Instructions to Voters,” and governmental categories.
- Left justification of Notice to Voters.
- Left justification of office title and instructions.
- Left justification of text in endorsement section, beginning with “Ballot issued by” through the “Certification of Voter Assistance” section.
- Navigational cues.
- “For Official Use Only” section must be formatted as shown on draft.

Preferred:

- Reverse shading (white on black) for Instructions to Voters and categories.
 - May use bold print with gray shading.
- The “W” in “write-in” may be capitalized and the colon is optional.
- For referenda, the words “Question,” “Yes,” and “No” may appear in all caps or initial caps.
- The municipality and wards may be centered in the endorsement section.

Conclusion

Staff has worked to implement the applicable statutory requirements regarding ballot format and has incorporated proven usability features to make the ballot understandable, navigable, and pleasing to the eye. Staff's experience in revising the ballot format and reviewing sample ballots submitted by county clerks has demonstrated that certain ballot components are more important than others, and minor variations of certain aspects can be accepted as substantial compliance with the statutes and recommended ballot.

The question of whether lines between candidate names are helpful is difficult to definitively answer and may depend on the type of election. It is staff's sense that lines between candidate names provide useful definition on a ballot such as the General Election ballot, where candidate names as well as their party affiliations are listed, or on the long and complicated partisan primary ballot. Questions remain as to the usefulness of lines between candidates on simpler ballots like the spring primary or spring election ballots. Recommended ballots for the 2014 spring elections did not contain lines between candidate names. Staff is also cognizant that ballot preparers and printers, as well as some county clerks, have a preference for uniformity of ballot design for all elections. For the sake of comparison regarding the effect of lines between candidate names, staff has attached sample general election ballot formats with and without those lines.

Recommended Motion

The Board directs its staff to apply the following standards with respect to approval of ballot proofs submitted for review by county clerks for the 2015 Spring Primary and Spring Election:

1. Lines between candidates are not recommended but will be permitted. The use of lines between candidate names will continue to be reviewed and additional feedback solicited in advance of the 2016 partisan elections.
2. With respect to other ballot components, require:
 - Use of a sans serif font.
 - Bold print where indicated.
 - Center positioning of ballot title, "Instructions to Voters," and governmental categories.
 - Left justification of Notice to Voters.
 - Left justification of office title and instructions.
 - Left justification of text in endorsement section, beginning with "Ballot issued by" through the "Certification of Voter Assistance" section.
 - Navigational cues where indicated.
3. With respect to less significant esthetic characteristics, allow for:
 - Bold print with gray shading in place of reverse shading (white on black) for Instructions to Voters and categories.
 - Variations in the appearance of the words "write-in."
 - Case preference for words "Question," "Yes," and "No" in referenda questions and instructions.
 - Centering of municipality and wards in the endorsement section.

Official Primary Ballot for Nonpartisan Office and Referendum February 17, 2015

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to Voters	County	Municipal (Cont.)
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name(s) on the ballot, complete the arrow next to the name like this .</p> <p>To vote for a name that is not on the ballot, write the name(s) on the line marked "write-in," and complete the arrow next to the name like this .</p>	County Executive Vote for 1	Town Clerk Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	Candidate	Candidate
	write-in:	write-in:
	County Supervisor Vote for 1	Town Treasurer Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	Candidate	Candidate
	write-in:	write-in:
Judicial	Municipal	Town Constable Vote for 1
Justice of the Supreme Court Vote for 1	Town Board Chairperson Vote for 1	
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in:	Candidate	Candidate
Court of Appeals Judge, District _ Vote for 1	Candidate	write-in:
Candidate	write-in:	School District
Candidate	Town Board Supervisor Vote for not more than 2	School Board Member Vote for not more than 2
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in:	Candidate	Candidate
Circuit Court Judge, Branch _ Vote for 1	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	write-in:	write-in:
Candidate	write-in:	write-in:
write-in:		Turn ballot over to continue voting.

Referendum	Official Primary Ballot for Nonpartisan Office and Referendum		
<p>To vote in favor of a question, complete the arrow next to "YES," like this .</p> <p>To vote against a question, complete the arrow next to "NO," like this .</p>	<p>February 17, 2015</p> <p>for</p> <p>_____</p>		
Municipal	Municipality and ward #(s)		
QUESTION 1: Shall the town....?	<p>YES </p> <p>NO </p>	Ballot issued by	
School District	Initials of election inspectors		For Official Use Only
QUESTION 1: Shall the school District...?	<p>YES </p> <p>NO </p>	Absentee ballot issued by	<i>Inspectors: Identify ballots required to be remade.</i>
	Initials of municipal clerk or deputy clerk (If issued by SVDs, both SVDs must initial.)		Reason for remaking ballot:
	Certification of Voter Assistance		<p><input type="checkbox"/> Overvoted</p> <p><input type="checkbox"/> Damaged</p> <p><input type="checkbox"/> Other</p>
		I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance.	Original Ballot No. or Duplicate Ballot No.
		Signature of assistor	_____
		_____	Initials of inspectors who remade ballot
		_____	_____
Page 2 of 2-sided ballot		Ballot begins on other side. 	

NOTE: ADD ANY OFFICES THAT REQUIRE A PRIMARY TO THIS BALLOT. ELIMINATE ANY OFFICES THAT DO NOT REQUIRE A PRIMARY FROM THIS BALLOT.

Official Primary Ballot for Nonpartisan Office and Referendum February 17, 2015

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to Voters	County	Municipal (Cont.)
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name(s) on the ballot, complete the arrow next to the name like this .</p> <p>To vote for a name that is not on the ballot, write the name(s) on the line marked "write-in," and complete the arrow next to the name like this .</p>	County Executive Vote for 1	Town Clerk Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	Candidate	Candidate
	write-in: _____	write-in: _____
	County Supervisor Vote for 1	Town Treasurer Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	Candidate	Candidate
	write-in: _____	write-in: _____
Judicial	Municipal	
Justice of the Supreme Court Vote for 1	Town Board Chairperson Vote for 1	Town Constable Vote for 1
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in: _____	write-in: _____	write-in: _____
Court of Appeals Judge, Dist. _ Vote for 1	Town Board Supervisor Vote for not more than 2	School District
Candidate	Candidate	School Board Member Vote for not more than 2
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
Candidate	Candidate	Candidate
write-in: _____	write-in: _____	write-in: _____
	write-in: _____	write-in: _____
		Turn ballot over to continue voting.

**Official Primary Ballot
for Nonpartisan Office and Referendum
February 17, 2015**

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to Voters	County	Municipal (Cont.)	
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name(s) on the ballot, fill in the oval next to the name like this <input type="radio"/>.</p> <p>To vote for a name that is not on the ballot, write the name(s) on the line marked "write-in," and fill in the oval next to the name like this <input type="radio"/>.</p>	<p>County Executive Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p>Town Clerk Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p>	
	<p>County Supervisor, District _ Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p>	<p><input type="radio"/> write-in:</p> <p>Town Treasurer Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p>	
	<p>Judicial</p>	<p><input type="radio"/> write-in:</p> <p>Municipal</p>	<p><input type="radio"/> write-in:</p>
	<p>Justice of the Supreme Court Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p>Town Board Chairperson Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p>Town Constable Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>
	<p>Court of Appeals Judge, District _ Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p>Town Board Supervisor Vote for not more than 2</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p> <p><input type="radio"/> write-in:</p>	<p>School District</p> <p>School Board Member Vote for not more than 2</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p> <p><input type="radio"/> write-in:</p>
	<p>Circuit Court Judge, Branch _ Vote for 1</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> Candidate</p> <p><input type="radio"/> write-in:</p>	<p><input type="radio"/> write-in:</p>	<p>Turn ballot over to continue voting.</p>

Referendum	Official Primary Ballot for Nonpartisan Office and Referendum February 17, 2015 for	
To vote in favor of a question, fill in the oval next to "YES," like this . To vote against a question, fill in the oval next to "NO," like this .		
Municipal	Municipality and ward #(s)	
Question 1: Shall the town....?	Ballot issued by	
<input type="radio"/> YES	_____	
<input type="radio"/> NO	_____	
School District	Initials of election inspectors	For Official Use Only
Question 1: Shall the school district...?	Absentee ballot issued by	<i>Inspectors: Identify ballots required to be remade.</i>
<input type="radio"/> YES	_____	Reason for remaking ballot:
<input type="radio"/> NO	Initials of municipal clerk or deputy clerk (If issued by SVDs, both SVDs must initial.)	<input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other
	Certification of Voter Assistance	Original Ballot No. or Duplicate Ballot No.
	I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance.	_____
	Signature of assistor	_____
		Initials of inspectors who remade ballot
Page 2 of 2-sided ballot		Ballot begins on other side.

NOTE: ADD ANY OFFICES THAT REQUIRE A PRIMARY TO THIS BALLOT. ELIMINATE ANY OFFICES THAT DO NOT REQUIRE A PRIMARY FROM THIS BALLOT.

Official Primary Ballot for Nonpartisan Office and Referendum February 17, 2014

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to Voters	County	Municipal (Cont.)
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name(s) on the ballot, fill in the oval next to the name like this <input type="radio"/>.</p> <p>To vote for a name that is not on the ballot, write the name(s) on the line marked "write-in," and fill in the oval next to the name like this <input type="radio"/>.</p>	County Executive Vote for 1	Town Clerk Vote for 1
	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____
Judicial	County Supervisor, District _ Vote for 1	Town Treasurer Vote for 1
	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____
Justice of the Supreme Court Vote for 1	Municipal	Town Constable Vote for 1
<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____	Town Board Chairperson Vote for 1	
Court of Appeals Judge, District _ Vote for 1	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____	School District
<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____	Town Board Supervisor Vote for not more than 2	
Circuit Court Judge, Branch _ Vote for 1	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____ <input type="radio"/> write-in: _____	<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____ <input type="radio"/> write-in: _____
<input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> write-in: _____		<input type="radio"/> write-in: _____ <input type="radio"/> write-in: _____
		Turn ballot over to continue voting.

Referendum	Official Primary Ballot for Nonpartisan Office and Referendum February 17, 2015 for	
To vote in favor of a question, fill in the oval next to "YES," like this . To vote against a question, fill in the oval next to "NO," like this .		
Municipal	_____ Municipality and ward #(s)	
QUESTION 1: Shall the town....? <input type="radio"/> YES <input type="radio"/> NO	Ballot issued by _____ _____ Initials of election inspectors	
School District	QUESTION 1: Shall the school District...? <input type="radio"/> YES <input type="radio"/> NO	Absentee ballot issued by _____ Initials of municipal clerk or deputy clerk (If issued by SVDs, both SVDs must initial.)
	Certification of Voter Assistance I certify that I marked this ballot at the request and direction of a voter who is authorized under the law to receive assistance. _____ Signature of assistor	For Official Use Only
		<i>Inspectors: Identify ballots required To be remade.</i> Reason for remaking ballot: <input type="checkbox"/> Overvoted <input type="checkbox"/> Damaged <input type="checkbox"/> Other Original Ballot No. or Duplicate Ballot No. _____ _____ Initials of inspectors who remade ballot
Page 2 of 2-sided ballot		Ballot begins on other side.

NOTE: ADD ANY OFFICES THAT REQUIRE A PRIMARY TO THIS BALLOT. ELIMINATE ANY OFFICES THAT DO NOT REQUIRE A PRIMARY FROM THIS BALLOT.

Official Primary Ballot for Partisan Office August 12, 2014

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to Voters	Democratic Party Section (Cont.)	Republican Party Section (Cont.)
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>1.) Select your party preference. <i>You may vote in only ONE party section at a partisan primary.</i></p> <p>If you designate a party preference, votes cast in that party section will be counted. Votes cast in any other party section will not be counted.</p> <p>If you do not designate a party preference, and you vote in more than one party, no votes will be counted.</p> <p>2.) Vote for individual candidates <i>Vote for one candidate for each contest in your selected party.</i></p> <p>To vote for a name on the ballot, complete the arrow next to the name like this .</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and complete the arrow next to the name like this .</p>	Statewide (Cont.)	Statewide (Cont.)
	Secretary of State Vote for 1	Lieutenant Governor Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	write-in:	write-in:
	State Treasurer Vote for 1	Attorney General Vote for 1
	Candidate	Candidate
	Candidate	Candidate
	write-in:	write-in:
	Congressional	Secretary of State Vote for 1
Representative in Congress District _ Vote for 1	Candidate	
Candidate	Candidate	
Candidate	write-in:	
write-in:	State Treasurer Vote for 1	
Legislative	Candidate	
State Senator, District _ Vote for 1	Candidate	
Candidate	write-in:	
write-in:	Congressional	
Representative to the Assembly District _ Vote for 1	Representative in Congress District _ Vote for 1	
Candidate	Candidate	
write-in:	Candidate	
County	write-in:	
Sheriff Vote for 1	State Senator, District _ Vote for 1	
Candidate	Candidate	
write-in:	write-in:	
Coroner Vote for 1	Representative to the Assembly District _ Vote for 1	
write-in:	Candidate	
Clerk of Circuit Court Vote for 1	write-in:	
Candidate	County	
write-in:	Sheriff Vote for 1	
End Democratic Party Section	Candidate	
Republican Party Section	write-in:	
If you vote in this party section, you may not vote in any other party section.	Coroner Vote for 1	
Statewide	write-in:	
Governor Vote for 1	Clerk of Circuit Court Vote for 1	
Candidate	Candidate	
Candidate	write-in:	
write-in:	STOP End Republican Party Section	
Democratic Party Section continues at top of next column.	Republican Party Section continues at top fo next column.	

Constitution Party Section	Constitution Party Section (Cont.)	Official Primary Ballot for Partisan Office August 12, 2014 for (municipality and ward #(s))
If you vote in this party section, you may not vote in any other party section.	County	
Statewide	Sheriff Vote for 1	
Governor Vote for 1	Candidate ←	
Candidate ←	write-in: ←	
Lieutenant Governor Vote for 1	Coroner Vote for 1	
Candidate ←	Candidate ←	
write-in: ←	write-in: ←	
Attorney General Vote for 1	Clerk of Circuit Court Vote for 1	Ballot issued by _____
Candidate ←	Candidate ←	(initials of inspectors)
write-in: ←	write-in: ←	Absentee ballot issued by _____
Secretary of State Vote for 1	STOP End Constitution Party Section	(initials of municipal or deputy clerk) (If issued by SVDs, both SVDs must initial.)
Candidate ←	STOP End Constitution Party Section	Certification of Voter Assistance I certify that I marked this ballot at the request and direction of a voter, who is authorized to receive assistance.
write-in: ←		(signature of assistor)
State Treasurer Vote for 1		For Official Use Only
Candidate ←		<i>Inspectors: Identify ballots required to be remade.</i>
write-in: ←		Reason for remaking ballot:
Congressional		<input type="checkbox"/> Overvoted
Representative in Congress District _ Vote for 1		<input type="checkbox"/> Damaged
Candidate ←		<input type="checkbox"/> Other
write-in: ←		Original Ballot No. or Duplicate Ballot No.
Legislative		_____ _____
State Senator, District _ Vote for 1		
Candidate ←		
write-in: ←		
Representative to the Assembly District _ Vote for 1		
Candidate ←		
write-in: ←		
Constitution Party Section continues at top of next column.		
Page 2 of 2-sided ballot	Ballot begins on other side. →	

Official Primary Ballot for Partisan Office

August 12, 2014

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

Instructions to voters	Democratic Party Section (Cont.)	Republican Party Section (Cont.)
<p>If you make a mistake on your ballot or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p> <p>1.) Select your party preference. You may vote in only <i>ONE</i> party section at a partisan primary.</p> <p>If you designate a party preference, votes cast in that party section will be counted. Votes cast in any other party section will not be counted.</p> <p>If you do not designate a party preference, and you vote in more than one party, no votes will be counted.</p> <p>2.) Vote for individual candidates Vote for one candidate for each contest in your selected party.</p> <p>To vote for a name on the ballot, complete the arrow next to the name like this .</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and complete the arrow next to the name like this .</p>	Statewide (Cont.)	Statewide (Cont.)
	Secretary of State Vote for 1	Lieutenant Governor Vote for 1
	Candidate Candidate write-in: _____	Candidate Candidate write-in: _____
	State Treasurer Vote for 1	Attorney General Vote for 1
	Candidate Candidate write-in: _____	Candidate Candidate write-in: _____
	Congressional	Secretary of State Vote for 1
	Representative in Congress District _ Vote for 1	Candidate Candidate write-in: _____
	Candidate Candidate write-in: _____	State Treasurer Vote for 1
	Legislative	Candidate Candidate write-in: _____
	State Senator, District _ Vote for 1	Congressional
Candidate write-in: _____	Representative in Congress District _ Vote for 1	
Candidate write-in: _____	Candidate Candidate write-in: _____	
County	Legislative	
Sheriff Vote for 1	State Senator, District _ Vote for 1	
Candidate write-in: _____	Candidate write-in: _____	
Coroner Vote for 1	Representative to the Assembly District _ Vote for 1	
Candidate write-in: _____	Candidate write-in: _____	
Clerk of Circuit Court Vote for 1	County	
Candidate write-in: _____	Sheriff Vote for 1	
End Democratic Party Section	Candidate write-in: _____	
Republican Party Section	Coroner Vote for 1	
If you vote in this party section, you may not vote in any other party section.	write-in: _____	
Statewide	Clerk of Circuit Court Vote for 1	
Governor Vote for 1	Candidate write-in: _____	
Candidate Candidate write-in: _____	End Republican Party Section	
Democratic Party Section continues at top of next column.	Republican Party Section continues at top fo next column.	

<p style="text-align: center;">Constitution Party Section</p> <p>If you vote in this party section, you may not vote in any other party section.</p> <p style="text-align: center;">Statewide</p> <p>Governor Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Lieutenant Governor Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Attorney General Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Secretary of State Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>State Treasurer Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p style="text-align: center;">Congressional</p> <p>Representative in Congress District _ Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p style="text-align: center;">Legislative</p> <p>State Senator, District _ Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Representative in Congress District _ Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p style="text-align: center;">Constitution Party Section continues at top of next column.</p>	<p style="text-align: center;">Constitution Party Section (Cont.)</p> <p style="text-align: center;">County</p> <p>Sheriff Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Coroner Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p>Clerk of Circuit Court Vote for 1</p> <p style="text-align: right;">Candidate ←</p> <p>write-in: _____ ←</p> <p style="text-align: center;">STOP End Constitution Party Section</p>	<p style="text-align: center;">Official Primary Ballot</p> <p style="text-align: center;">for Partisan Office August 12, 2014</p> <p style="text-align: center;">for</p> <p>_____</p> <p>(municipality and ward #(s))</p> <p>Ballot issued by</p> <p>_____</p> <p>(initials of inspectors)</p> <p>Absentee ballot issued by</p> <p>_____</p> <p>(initials of municipal or deputy clerk) (If issued by SVDs, both SVDs must initial.)</p> <p>Certification of Voter Assistance I certify that I marked this ballot at the request and direction of a voter, who is authorized to receive assistance.</p> <p>_____</p> <p>(signature of assistor)</p> <p style="text-align: center;">For Official Use Only</p> <p><i>Inspectors: Identify ballots required to be remade.</i></p> <p>Reason for remaking ballot:</p> <p style="margin-left: 40px;"><input type="checkbox"/> Overvoted</p> <p style="margin-left: 40px;"><input type="checkbox"/> Damaged</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other</p> <p>Original Ballot No. or Duplicate Ballot No.</p> <p style="margin-left: 40px;">_____ _____</p>
<p>Page 2 of 2-sided ballot</p>		<p>Ballot begins on other side. →</p>

State of Wisconsin\Government Accountability Board

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



KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Proposed 2015 Government Accountability Board Meeting Dates

The attached schedule lists, in bold, underscored type, proposed meeting dates for the Government Accountability Board in 2015. The proposed meeting dates were revised following the September 4, 2014 meeting.

Since that date a few Board Members have reached out with specific scheduling issues. In addition, the LAB audit report presents a possible conflict with the scheduled date on April 15, 2015. The audit report recommends a report from the agency to the Legislative Joint Audit Committee on April 15, 2015.

The revised schedule changes in-person meeting dates in the spring from Tuesdays to Wednesdays as discussed in September. The January 13, 2015 teleconference meeting time has been changed from 9:00 a.m. CST to 1:00 p.m. CST to enable Judge Barland to participate from Hawaii.

Judge Lamelas has noted a conflict with her schedule for the February 25, 2015 meeting. She will not be able to attend in person. I believe it is important to have a February meeting to address progress on the LAB audit report recommendations and any early Legislative action on the agency budget request. I suggest Board Members consider either Wednesday, February 18, 2015, which is the day following the spring primary election, or Wednesday, March 4, 2015. The winter meeting of the Wisconsin County Clerks Association (WCCA) is often that week in Madison, but staff should be able to work with the WCCA on our time at their meeting.

Proposed Motion: The Government Accountability Board adopts the proposed 2015 meeting schedule presented by the Director and General Counsel as modified by Board discussion.

Government Accountability Board 2015 Meeting Dates

Seven (7) Scheduled Meeting Dates
including 1 Teleconference Meeting

Tuesday, January 13, 2015 (Teleconference)

Wednesday, February 25, 2015

Wednesday, April 15, 2015

Wednesday, June 24, 2015

Tuesday, September 1, 2015

Tuesday, October 20, 2015

Tuesday, December 15, 2015

January 2015

Tuesday, January 6, 2015 – Nomination Paper Filing Deadline for Spring Election

Friday, January 9, 2015 – Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Spring Elections

Tuesday, January 13, 2015 – **Scheduled Government Accountability Board Meeting**
Teleconference Meeting Begin at 1:00 pm CST

Tuesday, January 13, 2015 – Deadline for Certifying Candidates for Spring Primary Election Ballot

Monday, February 2, 2015 – Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Monday, February 2, 2015 – Deadline for Filing Semi-Annual Lobby Reports

February 2015

Monday, February 9, 2014 – Deadline for Filing Spring Pre-Primary Campaign Finance Reports

Tuesday, February 17, 2015 – **Spring Primary Election**

Wednesday, February 25, 2015 – **Scheduled Government Accountability Board Meeting** –
Begin at 9:00 am CST

March 2015

Tuesday, March 3, 2015 – Deadline for Certifying Spring Primary Election Results

Monday, March 23, 2014 – Deadline for Filing Spring Pre-Election Campaign Finance Reports

April 2015

Tuesday, April 7, 2014 – Spring Election

Wednesday, April 15, 2015 – Scheduled Government Accountability Board Meeting –
Begin at 9:00 am CDT

Tuesday, April 30, 2014 – Deadline for Filing Statements of Economic Interests – Annual Filers

May 2015

Wednesday, May 15, 2015 – Deadline for Certifying Spring Election Results

June 2015

Wednesday, June 24, 2015 – Scheduled Government Accountability Board Meeting –
Begin at 9:00 am CDT

July 2015

No Meeting Proposed

Monday, July 20, 2015 – Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Wednesday, July 31, 2015 – Deadline for Filing Semi-Annual Lobby Reports

August 2015

No Meeting Proposed

September 2015

Tuesday, September 1, 2015 – Scheduled Government Accountability Board Meeting –
Begin at 9:00 am CDT

October

Tuesday, October 20, 2015 – Scheduled Government Accountability Board Meeting –
Begin at 9:00 am CDT

November 2015

No Meeting Proposed

December 2015

Monday, December 1, 2015 – First Day to Circulate Nomination Papers for Spring Elections

Tuesday, December 15, 2015 – Scheduled Government Accountability Board Meeting –
Begin at 9:00 am CST

January 2016

Tuesday, January 5, 2016 – Nomination Paper Filing Deadline for Spring Election

Friday, January 8, 2016 – Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Spring Elections

Tuesday, January 12, 2016 – Scheduled Government Accountability Board Meeting
Teleconference Meeting Begin at 9:00 am CST

Tuesday, January 12, 2016 – Deadline for Certifying Candidates for Spring Primary Election Ballot

Monday, February 1, 2016 – Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Monday, February 1, 2016 – Deadline for Filing Semi-Annual Lobby Reports

State of Wisconsin \ Government Accountability Board

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



JUDGE THOMAS BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Ethics and Accountability Division Program Activity

Division Staffing
Jonathan Becker
Division Administrator

As of November 17, the Ethics and Accountability Division is fully staffed. Kyle Kundert has joined the division as an Ethics Specialist after spending his first year with the agency as an SVRS Specialist in the Elections Division. Kyle brings a wealth of knowledge and enthusiasm to the position and we are excited to welcome him to the division. Orientation and cross training on the various subject areas in the division is ongoing. Kyle will provide support for campaign finance, ethics, and lobbying.

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

Legislative Changes and Court Decisions

Updated campaign finance manuals for local and state candidate committees were posted on November 19. The Barland II case, still pending, means that manuals for PACs and Independent Disbursement committees are waiting to be finalized.

July Continuing 2014 Reports

All non-exempt registrants were required to file the July Continuing 2014 report by July 21, 2014. Late filers received notices by email, phone, and mail. Three committees paid late filing fees of \$125, and seven have been placed on administrative suspension.

Fall Pre-Primary 2014 Campaign Finance Reports

All candidates on the ballot in August were required to file a fall pre-primary report on August 4, 2014. Two committees failed to file a report by the August primary and paid a late filing fee of \$125. One committee has failed to respond to staff's emails, phone calls, and letters, and has been placed on administrative suspension.

Fall Pre-Election 2014 Campaign Finance Reports

All candidates on the ballot in November were required to file a fall pre-election report on October 27, 2014. Only one committee failed to file a report by Election Day. Staff has attempted to contact that committee by email, mail, and phone, with no response. Staff will continue to follow up with this committee.

Upcoming January 2015 Campaign Finance Reports

The next report due from all committees is the January 2015 Continuing Report, due on February 2, 2015. Notices for this filing will be sent in early January.

Campaign Finance Audits

Staff ran a number of audits based on 2013 activity.

- Committees in the 2013 fall special elections for Assembly were audited for failure to file late reports for contributions of \$500 or more. Four committees were contacted. Two have paid forfeitures of \$125 each, and one conduit paid a forfeiture of \$46.50. One candidate committee was placed on administrative suspension for failure to respond or file required reports.
- Staff audited all committees to verify they provided employment information for contributors of more than \$100. Six committees were contacted; all have amended their reports to provide the required information.
- Staff audited all lobbyist contributions in 2013. Twenty-three lobbyists were contacted about possible violations. Fifteen have been cleared, usually because of mistaken identity or a misattributed contribution from a spouse. Five have paid forfeitures, and one is still outstanding.
- The annual audit of corporate contributions was started, but placed on hold pending clarification of corporate giving rules in the Barland II case. One PAC voluntarily paid a \$4,152 forfeiture for corporate contributions in past years that were incorrectly reported.
- Staff audited all committees in the Fall 2013 and Spring 2014 elections for compliance with individual contribution limits. One forfeiture of \$100 was paid.
- Staff audited all committees in the Fall 2013 and Spring 2014 elections for compliance with single-committee contribution limits. One forfeiture of \$500 was paid.
- Staff contacted all committees with pending (saved but not filed) transactions from 2013 in CFIS, and all pending transactions were resolved.
- Staff contacted all committees with cash balance discrepancies of \$100 or more in 2013. 81 committees were initially contacted, 50 committees amended their reports to correct the cash balance issue. 31 committees received a follow up letter in October. Staff will continue to follow up with outstanding committees and will assess financial penalties if discrepancies are not resolved by the end of the year.

Other audits may be triggered by complaints or from issues discovered by staff review of reports on their face. G.A.B. staff continues to work with our software vendor and our in-house IT staff to automate the audits we conduct.

Campaign Finance Training

Staff periodically adds campaign finance training webinars to the G.A.B website. A webinar for sponsoring organizations was posted on September 25, 2014.

Lobbying Update

Molly Nagappala and Brian Bell
Ethics and Accountability Specialists

Statement of Lobbying Activities and Expenditures Reports – July to December 2014

The next Statement of Lobbying Activities and Expenditures Report will be due by January 31, 2015 for the July to December 2014 reporting period.

In-Person Lobbying Training

Staff conducted five in-person lobbying training events, with more than 60 participants total. Staff conducted an introduction to lobbying laws seminar on December 2 and 10. Staff held a more advanced seminar for previously registered lobbyists on December 3 and 11. On December 15 staff shared with participants several tips and tricks on how to get the most out of the information entered and available through the Eye On Lobbying website. These seminars were very well-received by the lobbying community and staff received excellent feedback.

New Eye On Lobbying Training Webinar Videos and Slides and Updated Website Information

Staff recently completed and posted online several new training webinar videos on how to complete common tasks on the Eye On Lobbying website. These training videos are available on the Board's website here: <http://gab.wi.gov/lobbying/training/webinars>. In addition to these new training videos, staff reorganized and updated the information on the website related to lobbying (<http://gab.wi.gov/lobbying>).

Eye on Lobbying Website Project Update

Staff held a forum for Eye On Lobbying users on October 16, 2014 to allow for feedback regarding FOCUS. Many helpful suggestions were given and it was a valuable opportunity for both staff and the users. Users indicated that the price point for FOCUS, \$100 per email address per legislative session, is quite reasonable and that they were all interested in subscribing. The new and improved version of FOCUS launched on December 1, 2014. Staff plans to publicize FOCUS in the upcoming months as much as possible.

Staff continues to assist the public, lobbying principals and lobbyists regarding access to public information on the website as well as policy and reporting requirement questions from the lobbying community.

2015-2016 Legislative Session Registration and Licensing Now Available

On December 1, 2014, the Eye On Lobbying website enabled the start of principal registration, lobbyist licensing, and lobbyist authorization for the upcoming 2015-2016 legislative session. There have also been a very small number of principal registrations and lobbyist license

applications for the 2013-2014 legislative session. The table below provides processing performance and revenue statistics related to the 2013-2014 session to date.

2013-2014 Legislative Session: Lobbying Registration by the Numbers (Data Current as of December 3, 2014)			
Fee Type	Cost	Number	Revenue
Principal Registration Fee	\$375.00	712	\$267,000.00
Limited Lobbying Principal Registration Fee	\$20.00	28	\$560.00
Limited Lobbying to Full Lobbying Principal Amendment	\$355.00	15	\$5,325.00
Lobbyist Authorization Fee	\$125.00	1,575	\$196,875.00
Lobbyist License (Single Principal)	\$350.00	571	\$199,850.00
Lobbyist License (Multiple Principals)	\$650.00	105	\$68,250.00
Single to Multiple Principal Lobbying License Amendment	\$300.00	10	\$3,000.00
TOTAL FEES PAID			\$740,860.00

Financial Disclosure Update

Adam Harvell

Campaign Finance Auditor and Ethics Specialist

Statements of Economic Interests

Staff has begun to prepare for the 2015 annual SEI filing. Staff printed pre-filled SEIs and mailed them to all municipal judges, all Court of Record judges up for election in April, and all outgoing elected officials by December 2. Reserve judges and all incoming elected officials were mailed their SEIs by December 15. In total, over 2,300 statements will be sent out by early January, with most forms due on April 30, 2015.

Gubernatorial Appointments

New appointments continue to be processed on an ongoing basis, to include securing Statements of Economic Interests from all appointees and referring copies of their Statements to the Senate for future confirmation hearings.

State of Wisconsin Investment Board Quarterly Transaction Reports

Staff sent out 53 quarterly financial disclosure reports to State Investment Board members and employees at the beginning of October. The 2014 third quarter reports were due on or before October 31, 2014. All copies of the reports were received timely and delivered to the Legislative Audit Bureau for their review and analysis.

Ethics, Complaints and Investigations Update

Jonathan Becker

Division Administrator

Division staff continues to answer questions from legislators, legislative staff, and the public on various provisions of the State Ethics Code. Division staff intake numerous complaints from various parties and deal with them appropriately according to the Division's standard procedures. Division staff continues to devote time to assist on investigations and the resolution of complaints when called upon by the Division Administrator and/or the Director and General Counsel.

State of Wisconsin\Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by Elections Division Staff and Presented by:

Michael Haas
Elections Division Administrator

SUBJECT: Elections Division Update

Since its last Update (October 28, 2014), the Elections Division staff has focused on the following tasks:

1. General Activities of Election Administration Staff

A. November 4, 2014 General Election

The General Election was conducted on November 4, 2014. The offices up for Election were:

- Statewide Constitutional Offices (Governor, Lieutenant Governor, Attorney General, Secretary of State and State Treasurer)
- Representative in Congress
- State Senator (odd-numbered districts)
- Representative to the Assembly
- Various partisan county offices

Polling places were busy, and there were a few reports of voters waiting in line. Lines typically formed at the registration table, although some clerks reported waiting lines for optical scanners. Most clerks anticipated a high volume of voters and planned accordingly, which reduced wait time. There were no reported disturbances at any polling places, and no reported issues involving election observers. Two Assembly District races (Districts 51 and 85) were close enough that county clerks and staff braced for possible recounts. No recount petitions were submitted.

B. Election-Day Issues

Election Day was not without problems, mostly due to election inspector errors, which included:

- A voter was allowed to cast a vote on accessible equipment three times. Because the voter's choices were not visible on the VVPAT tape, the inspectors assumed the vote was not being recorded and allowed the voter to vote again. The inspectors discovered that the thermal tape had been installed backward so that the side of the tape without ink was facing up. After reinstalling the tape and allowing the voter to vote a third time, the voter's choices were visible on the tape.
- After casting a ballot, a voter complained that she had been given a ballot containing the wrong assembly district. The inspectors gave her a second ballot and instructed her to only vote in the assembly district.
- There were several reports of inspectors requiring registered voters to provide proof of residence, and requiring registering voters to produce multiple proof of residence documents. (A municipal clerk stated that a TV station in the Brown County area was reporting that more than one type of proof of residence was required, which may explain the occurrences in that area, but does not explain the reports of this activity in other parts of the state.)
- There was only one confirmed report of inspectors requiring photo ID. The clerk confirmed she had instructed her inspectors to do this because she was not aware that the photo ID requirement was not in effect for the General Election.
- After the polls closed on Election Night, the City of Stoughton Clerk and Election Inspectors reviewed the voting equipment results tapes and noticed there were only 16 votes recorded for the City of Stoughton "Move to Amend" advisory referendum. The City Clerk immediately contacted the Dane County Clerk's office and G.A.B. Following G.A.B. staff's recommendation, a hand count of the votes cast for the referendum was conducted at the Municipal Board of Canvassers (MBOC) meeting on Monday, November 10, 2014. The results of the hand count revealed that the referendum passed 4,440 to 992, and the referendum results were certified by the City of Stoughton municipal board of canvassers.

Further investigation exposed a coding error on the ballots for the municipal referendum. After reviewing the Public Test tapes and test deck after the election, it was found that the coding problem was not caught at the time of the Public Test. Measures have been put into place to help prevent this from happening again in the future.

- Staff noticed more than the usual number of questions from clerks about the registration and voting procedure for hospitalized voters on Election Day and also in the week before the election.

C. Certification of Results

The first county canvass was received on November 10. All canvasses were received by November 18. The canvass was certified by Judge Barland on December 1, 2014. Staff is preparing Certificates of Election for the winners. Certificates will be sent directly to each statewide office winner, and certificates for winners of state senate and assembly seats will be sent to the Senate and Assembly Chief Clerks. Certificates of Election for congressional offices and also the statement of canvass will be sent to the Clerk of the House of Representatives.

D. Preparations for 2015 Spring Election

The offices of Supreme Court Justice, Court of Appeals Judge in Districts 1 and 3, and 61 Circuit Court Judge positions in 32 counties are up for election in Spring 2015.

The Type A Notice of Spring Election was posted to the clerk communication page of the G.A.B. website on October 30. County clerks are required to publish the Type A Notice no later than the 4th Tuesday in November (November 25, 2014). Wis. Stat. § 8.50(4)(f) provides that if a vacancy in the office of circuit court judge occurs on or before December 1, the office will be filled at the succeeding spring election. Since October 30, two vacancies have occurred and an appointment was made in a vacant circuit court judge position. The Type A Notice was amended to include these changes and transmitted to the appropriate county clerks. The list of offices up for election was also amended.

On November 26, all incumbent officeholders were sent a communication asking them to file a Notification of Noncandidacy (GAB-163) if they do not intend to run for the office they currently hold. Notifications of Noncandidacy are due on December 26, 2014. Currently five circuit court judges have filed the Notification of Noncandidacy. Staff will continue to follow up with incumbents who have not registered or otherwise indicated their intent to run again.

December 1, ²⁰¹⁴ is the first day candidates may circulate nomination papers. Currently there are 52 candidates registered for the spring election. New Elections Division staff members have been prepared to review nomination papers and to examine ballot proofs after certification of candidates.

Staff has drafted several versions of ballots for the spring primary for review by the Board. This topic is addressed in more detail in a separate memorandum.

2. WEDCS and SVRS Data Quality

A. General Election Wrap-Up

Staff continues to monitor municipal and county clerk compliance with several reporting requirements following the 2014 General Election. Pursuant to Statutes, the GAB-190F Election Administration and Voting Statistics Report was due to be entered into the Wisconsin Elections Data Collection System (WEDCS) by December 4. As of December 8, 36 municipalities had not yet completed all required reports. The GAB-191 Election-

Specific Cost Report must be completed by each municipality and county, and is due within 60 days of the election (January 5, 2015). The GAB-192 Annual Elections Cost Report is also due from each municipality and county by January 31, 2015 for the preceding year.

Wisconsin Statutes also give clerks 45 days following a general election to enter Election Day Registrations and record voter participation in the Statewide Voter Registration System (SVRS). For the 2014 General Election, that deadline is December 19. Clerks may request, and the G.A.B. Director and General Counsel may grant, an extension to enter EDRs and participation out to 60 days from the election (January 5, 2015). Board staff has responded to hundreds of telephone calls and emails to assist clerks in the reconciliation process to close out the SVRS data entry for the 2014 Fall General Election.

Once all reports are complete, Board staff reconciles data between votes recorded in SVRS, total voters reported in WEDCS, and the total votes for the office of Governor in the Canvass Reporting System. Staff then follows up with clerks to resolve any discrepancy of three or more votes or a difference of one percent or more within any reporting unit.

After all data is reconciled, including checking WEDCS data for accuracy (e.g., not having more absentee ballots counted than issued), staff will use the SVRS and WEDCS data to complete several major federal reporting requirements: The US Election Assistance Commission's Election Administration and Voting Survey (EAVS), and the Federal Voting Assistance Program's grant reporting requirements related to the development and use of MyVote Wisconsin. Cumulatively, staff completed reporting on more than 600 data points for each reporting unit on behalf of all of Wisconsin's municipal and county clerks. This equates to more than 2 million total data points.

B. 2015 Spring Election Readiness

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

Clerk duties outlined in Checklist I include: inheriting the Spring Election, entering countywide or municipality-wide contests and candidates, mapping/address verification maintenance and voter record data maintenance (reviewing and attending to Death matches, Felon matches and duplicate Voter records). Checklist II includes: absentee balloting, printing the Ineligible Voter List, and printing poll books. Checklist III covers election night tasks and post-election activities including: entering provisional ballot information to be displayed on the MyVote Wisconsin website, recording voter participation, reporting election statistics (GAB-190), and entry and completion of Election Day Registrations.

Checklists I and II for the 2015 Spring Primary Election will be provided to local election officials the second week of January. Checklist II for the 2015 Spring Election will be distributed the first week of March. Board staff will also be busy entering information related to all School District contests and referenda, as well as Multi-Jurisdictional Judge contests and technical college referenda for the spring elections into SVRS. Completing the data quality and other steps outlined in the SVRS Checklists is essential for clerks to ensure the accuracy of ballots and poll books as well as the information available on MyVote Wisconsin, and that voters receive the proper ballots.

3. 2014 Voting Equipment Audit

Board staff continued preparations for the 2014 Voting Equipment Audit by constructing the sample of reporting units to be audited. Board staff posted a public notice that the selection of reporting units to be audited would take place at the G.A.B. office on Friday, November 7, 2014. At that meeting, two members of the public attended to observe Board staff randomly select the sample of reporting units to be audited. Board staff randomly selected 100 reporting units as a base sample and proceeded to augment that sample with additional reporting units until each currently certified voting system used in the State of Wisconsin was represented by at least 5 reporting units (except the Populex system which is only used in 2 reporting units in the state). The final sample set contained 106 reporting units. At that same meeting, Board staff also selected the contests to be audited in addition to Governor's contest. As a result of the random selection, the contests for Attorney General, State Treasurer, and Sheriff were included in the audit.

Board staff also met via phone with Karen McKim of the Wisconsin Grassroots Network regarding audit preparations as she has appeared before the Board on this topic and her organization has indicated a continuing interest in this process. Board staff notified Ms. McKim of the audit preparations and planned procedures, and has provided the Wisconsin Grassroots Network with the list of reporting units to be audited as well as contact information for the municipal clerks involved so as to facilitate public observation of the audit process.

Since the election was certified on December 1, the deadline for completing a 2014 post-election audit was set as December 15. Board staff transmitted an email on December 3 informing municipal clerks selected to complete an audit that the election was certified and advising them of the deadline for completing the post-election audit. The 106 reporting units being audited are located in 78 different municipalities.

As of December 4, Government Accountability Board staff had received required audit notices from 55 of the 78 different municipalities randomly selected to conduct a 2014 post-election audit of voting equipment. Of these, 44 of the notices were received prior to the election being certified on December 1. As of December 4, Board staff has received 37 of the 78 audit reports. Four of the received audit reports are from municipalities that did not submit a notice of audit to Board staff. Effectively, Board staff has received some type of information from 59 of the 78 municipalities selected to conduct a 2014 post-election audit. As of December 4, Board staff has reviewed nine of the submitted audit reports.

4. Voting Equipment Testing and Demonstration

There are no outstanding applications for approval of voting systems pending at this time.

5. The AccessElections! Accessibility Compliance Program

A. Polling Place Audits for the November General Election

For the 2014 November General Election, 173 polling places were audited. Fourteen temporary workers were hired and trained to conduct onsite accessibility compliance audits in 100 municipalities in Brown, Dane, Douglas, Fond Du Lac, Green, Iowa, Jefferson, Kewaunee, Lafayette, Manitowoc, Oconto, Outagamie, Pierce, Polk, Sheboygan, St. Croix and Washington counties.

An initial review of audit results for the General Election indicates that many of the most commonly identified problems remained. Auditors assigned to more rural areas reported that they identified significant issues with accessible parking, while larger facilities used as polling places in urban areas had a lack of interior signage directing voters to the voting area. Reports will be created for each conducted audit and forwarded to each municipality once the data has been verified.

B. Public Education and Outreach Materials

Board staff entered into a partnership agreement with the Wisconsin Disability Vote Coalition to produce public education materials for voters with disabilities in advance of the November General Election. The project consisted of three main components; updating and printing *Voting in Wisconsin: A Guide for Citizens with Disabilities*, the creation and distribution of informational packets for voters and staff at community-based residential care facilities, and a local election official and poll worker training video.

All three of these projects were completed in advance of the November General Election. They were also designed to have utility beyond the 2014 election cycle and staff expects to use them for future public outreach campaigns. For example, the local election official training video, *This Is Where We Vote*, was posted to the agency website and can be used as a training tool for poll workers and municipal clerks. It can be viewed here: <http://gab.wi.gov/clerks/guidance/accessibility/video/this-is-where-we-vote>.

C. Analysis of Accessibility Audit Results

Since October 15, 2014, staff has received and processed 19 plans of action for polling places audited during recent elections. Staff will continue to process plans of action received from municipalities audited during previous elections and for audits conducted during the 2014 election cycle.

D. Ongoing Accessibility Compliance Efforts

Staff continues to coordinate with municipal clerks to ensure that accessibility problems uncovered during previous audits are resolved as quickly and cost-effectively as possible. In addition, staff arranged for a final pre-election shipment of 145 grant-funded accessibility supplies to 26 municipalities in response to documented needs. Several accessibility-related items, such as page magnifiers and signature guides, have been restocked due to continued demand, while the polling place signage inventory will continue to be liquidated.

Staff continues to work with the agency IT Development Team to automate multiple aspects of the AccessElections! Compliance Audit administrative process. This effort includes finalizing and implementing revisions to sections of the electronic version of the 2009 Polling Place Accessibility Survey in order to increase data quality and accuracy. An electronic reporting platform is also being developed that will allow local election officials to access and respond to their audit information electronically.

E. Accessibility Advisory Committee Meeting

Staff plans to meet with the Accessibility Advisory Committee in early 2015 prior to the Spring Election. Expanded membership and participation on the committee will be discussed. Staff will also facilitate a discussion on public outreach efforts for the 2014 November General Election and seek input on how accessibility-related information will be displayed on the agency's MyVote website.

6. Assistance to the Milwaukee Election Commission

Board staff continues to provide support to the Milwaukee Election Commission (M.E.C.) minority language program implementation. The City of Milwaukee is a covered jurisdiction under section 203 of the Voting Rights Act and must provide language assistance and election materials in Spanish. The G.A.B. continues to provide the M.E.C. with the surname analysis report that allows them to determine their bilingual poll worker coverage for each election. Board staff also participated in a recent conference call with U.S. Department of Justice representatives and M.E.C. staff concerning the development of the minority language program in the City of Milwaukee.

7. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information on core and special election administration training recently conducted by G.A.B. staff. Following the reinstatement of the photo ID requirement on September 12, clerk training and technical assistance focused on revising processes to implement the requirement, which was then reversed following the ruling of the U.S. Supreme Court on October 9.

8. GIS Update

The G.A.B. staff continues to work with local Land Information Departments in acquiring updated ward boundaries to account for any recent annexations. The G.A.B. staff is working with municipal and county clerks to improve receipt of annexation ordinances. The Department of Administration (DOA) is continuing to send a quarterly list of all annexation ordinances it receives from municipalities. G.A.B. staff is working with other Wisconsin State Agencies via SAGIC (State Agency Geospatial Information Committee) on facilitating State Agency roles regarding improved accuracy and communication of spatial information to improve overall spatial data related to the SVRS and overall improvements of the Modernization of SVRS Project.

9. IT Projects

Several IT projects are in progress for the Elections Division:

A. SVRS Updates

One update was made to SVRS on November 26. G.A.B. IT staff identified four minor bugs in the service used to validate addresses in SVRS and MyVote. The four bugs were isolated to rare and very specific circumstances but could impact what districts a voter was assigned to.

B. SVRS Modernization

Design and development continue on the SVRS Modernization project. Each of the staff teams continue to work on their functional areas (Voter, Elections, Absentee, Districts). Work on Voter and Absentee is finishing up, allowing staff to focus on Elections as the next priority.

C. MyVote Wisconsin

The MyVote Wisconsin website was used heavily on Election Day. One of the two servers experienced a brief outage at approximately 9:30 a.m. and traffic was diverted to the other server until everything was back up and running. As a result of that experience, some configuration changes were made on the MyVote servers to further improve uptime in the event of a server outage. Additional monitoring was added to the MyVote servers on November 6 to better alert G.A.B. IT staff of the health of the servers and processes. Also on December 2, additional ports were made available on the servers to ensure that if one server goes down, the other server has sufficient capacity to handle the user load. One additional MyVote change was also installed on December 2 to correct the office holder information displaying for two Court of Appeals judges and a Supreme Court justice. The office holder information was not displaying properly due to a bug that caused offices up for election at a future election to display incorrectly in MyVote once the upcoming election was set up.

Now that the November 2014 election is complete, the MyVote team is again focusing on usability of the website. Two usability interviews were held with G.A.B.'s newly hired

Elections Administration Specialists. The team is also preparing to begin a prototyping phase where staff brainstorms on possible website designs to address the problems identified in the usability interviews.

D. Voter Felon Audit

On October 14, 2014 all municipalities completed entering new registrations and voter participation for the 2014 Fall Partisan Primary into SVRS. With the voter updates completed in SVRS, Board staff performed required post-election comparisons of voters with the list of persons who were under Department of Corrections (DOC) supervision for a felony conviction.

The comparison for the 2014 Fall Partisan Primary resulted in 10 potential matches between voters and felons, after DOC staff, G.A.B. staff and municipal clerk review, one case was referred to the Milwaukee County District Attorney on November 14, 2014.

The new automated tracking tool now in place, G.A.B. has dramatically reduced the time that it takes to complete the Voter Felon Audits. As of November 20, 2014, G.A.B. staff completed the Voter Felon Audits for 17 elections using the new tracking tool. From the 17 elections, a total of 111 names have been referred to District Attorneys. Of the 111 referrals, the G.A.B. has received notice that the District Attorney has closed nine of the cases referred.

E. Canvass Reporting System

G.A.B. staff provided support and assistance to municipal and county clerks using the Canvass Reporting System (CRS) to report unofficial election night results for the November 4, 2014 General Election. Staff provided training on entering election night results in CRS to clerks in Barron, Milwaukee, and Sheboygan counties. A total of four counties (Barron, Sheboygan, Milwaukee, and Waukesha) had municipal clerks enter unofficial election night results into CRS and used the reports generated from CRS to post unofficial election night results. Clerks reported no issues with CRS on election night, and reporting unofficial results went smoothly.

Staff also supported counties who uploaded result files directly from their voting equipment compilation software. Before Election Day, G.A.B. obtained and uploaded test files from each county. No updates to CRS are planned before the Spring 2015 elections. Board staff will continue to provide support to counties who will be using CRS to report unofficial election night results for the Spring 2015 elections.

10. Voter Registration Statistics

The following statistics summarize statewide voter registration activity year-to-date as of December 1, 2014:

Active Voter Registrations	3,477,189
Inactive Voter Registrations	1,180,060
Cancelled Voter Registrations	424,273
HAVA Checks Processed In 2014	382,740
Merged Voter Registrations Processed In 2014	13,203

11. Voter Data Requests

The following statistics summarize voter data requests as of December 1, 2014:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2015 to date	276	190	68.84%	\$113,011.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

As more fully described in the May 21, 2014 Division Update, G.A.B. staff launched **BADGER Voters** (<http://BADGERVoters.gab.wi.gov>), an online application for processing common requests for voter data, on April 25, 2014. Staff has received positive feedback from individuals and organizations requesting voter data, as well as from local clerks who may direct requestors of localized data to the site. Since its launch, the site has managed about 400 requests and 256 purchased data files, generating nearly \$150,000 of revenue and reducing agency costs by approximately \$69,000. Staff continues to study potential enhancements to the website that could result in improved customer service and greater efficiencies. As of October 6, 2014, the BADGER Voters site has resulted in a net savings of over \$169,000 for the G.A.B.

12. G.A.B. Customer Service Center

The G.A.B. SVRS Help Desk is supporting over 2,000 active SVRS users, the public, and election officials. The Help Desk is continuing to maintain the two training environments utilized in the field to facilitate remote SVRS training. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff have been serving on various project teams such as the Records Retention Taskforce and SVRS Modernization and MyVote Wisconsin teams. Staff assisted with testing SVRS and system improvements, coordinating and assisting with the Internet Explorer 11 upgrade instituted by DOA, testing of the Enterprise Exchange 2013 upgrade and mailbox administration tools in preparation for that upgrade. Staff is assisting DOA with Firewall, VLAN and security updates in the G.A.B. environment at the

datacenter. Staff will be administering the SANS Security Awareness training program instituted by DOA for data security awareness for 2015. Help Desk staff continue to maintain and update G.A.B. clerk contact lists.

Overall, the majority of inquiries the G.A.B. Help Desk received from clerks during this period related to assistance with preparing for the November General Election; voter photo ID and proof of residence; logging into the CRM system for ineligible lists and canvass; printing ineligible voter lists; tracking absentee and provisional ballots; printing poll books; absentee processing; producing SVRS reports; and related election processes. Municipal Clerks were gearing up for In-Person absentee voting and adding staff with SVRS access for processing EDRs, resulting in an unusual number of new user accounts to be set-up. Help Desk staff assisted clerks with configuring and installing SVRS and WEDCS (GAB-190) on new computers.

Public and elector inquiries were primarily from the Wisconsin electorate which had questions about acceptable proof of residence documents, absentee voting, “Where to vote” and in-person absentee questions, Election Day Registration requirements, finding a sample ballot, and other election-related inquiries.

Calls for this period also consisted of campaign finance reporting issues, lobbyist reporting and the Statements of Economic Interests filing, CFIS and Lobbying systems also generated an amount of call traffic prior to the filing deadlines.

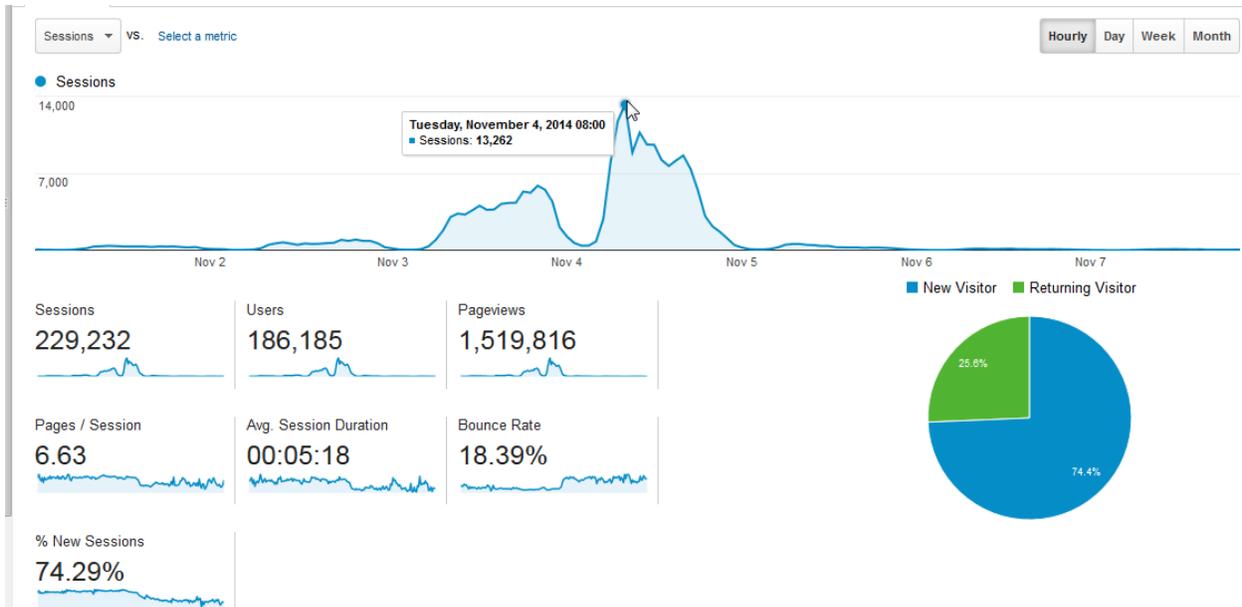
G.A.B. SVRS Help Desk Call Volume
(608-261-2028)

October 2014	2,352
November 2014	2,271
Total Calls for Reporting Period	4,623

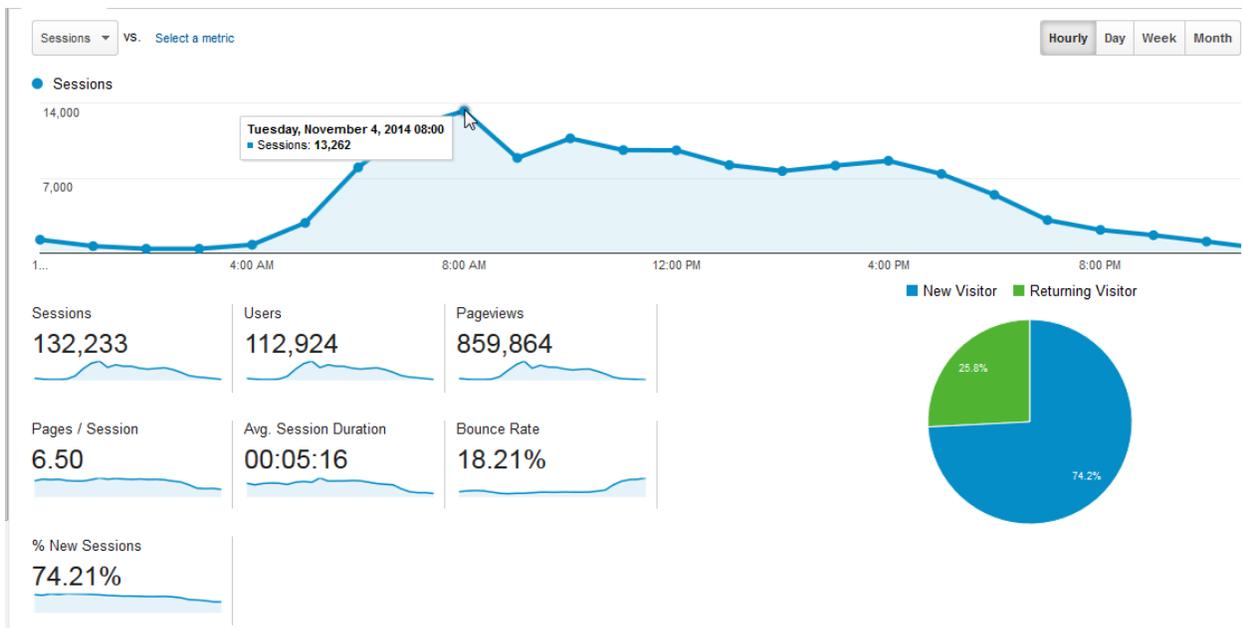
G.A.B. Front Desk Call Volume
(608-266-8005)

October 2014	1,601
November 2014	1,015
Total Calls for Reporting Period	2,616

The graph below illustrates visitor traffic to the MyVote Wisconsin website for the week of the November General Election, Nov. 1 to Nov. 7. The high point was 132,233 sessions on Tuesday Nov. 4. Of these 40% used a mobile device to access the site, 31.85% used a smartphone and 8.1% used a tablet.



Hourly breakdown of Election Day with a peak of 13,262 sessions at 8:00 am.



13. Voter Outreach Services

Since the G.A.B.'s launch of its Facebook and Twitter accounts in April of 2012 the number of people the agency is able to reach through social media continues to grow.

The G.A.B. Facebook account currently has over 1,100 likes (people following the page). On average, each post reaches a viral audience of 500 additional people, with the more popular posts generating an additional reach of up to 10,000 people. G.A.B. staff typically publishes two or more posts daily on Facebook during the six to eight weeks before an election. The posts around election time can generate an even broader reach with some posts reaching more than 20,000 Facebook users. During the periods of time between elections, the frequency of

posts decreases to around three per week.

The G.A.B. Twitter account currently has over 1,500 followers. Additional statistics for reach and viral impact are not available for Twitter. However, a number of news media sources “re-tweet” G.A.B. posts regularly. Because of these “re-tweets” each G.A.B. post reaches additional Twitter users beyond the 1,000 followers. G.A.B. staff typically publishes two or more posts daily on Twitter during the six to eight weeks before an election. During periods of time between elections, the frequency of posts decreases to around three per week.

14. Staffing Changes

The Elections Division has welcomed three new staff members, Elections Administration Specialists Marianne Griffin and Jennifer Webb, and Voting Equipment Specialist Matthew Kitzman. SVRS Specialist Kyle Kundert has transferred to the Ethics Division, and the Elections Division is currently recruiting to fill three vacant SVRS Elections Specialist positions.

ATTACHMENT #1

**GAB Election Division's Training Initiatives
10/29/2014 – 12/15/2014**

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	1	6
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.	1	15
Election Administration & SVRS Training Webinar Series	Series of 8 – 12 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	45 – 120 minute webinar conference hosted and conducted by Elections Division staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	11/19/2014: What's New for the 2015 Elections? 12/3/2014: SVRS 2014 Post Election Tasks	50 – 400 per webinar; posted to website for clerks to use on-demand.

State of Wisconsin\Government Accountability Board

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



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 16, 2014 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 on preparing information for the Legislative Audit Bureau's Agency Audit, STAR Project preparations, financial services activity, procuring goods and services, contract sunshine administration, recruiting staff, communicating with agency customers, and developing legislative and media presentations.

Noteworthy Activities

1. Legislative Audit Bureau Agency Audit Status

In 2013 Wisconsin Act 20, Section 9115 (1d), the Joint Legislative Audit Committee (JLAC) was requested to direct the Legislative Audit Bureau (LAB) to perform a performance evaluation audit of the Government Accountability Board (G.A.B.). On September 10, 2013, the JLAC held a hearing to determine whether to authorize an audit. The LAB gathered background information for the JLAC to use in considering the audit. As a result of the hearing, the committee directed the LAB to conduct a comprehensive evaluation of the G.A.B., which includes:

- Its overall management of governance processes, including those used by the Board and its staff to administer its statutorily required functions;
- Its financial oversight, including fiscal controls and trends in expenditures by funding source and function;

- The training, education and consultation it provides to external parties, including that related to elections procedures and the Statewide Voter Registration System; and
- Its process for investigating and resolving complaints.

On September 26, 2013, an Entrance Conference was held with the LAB and G.A.B. staff to discuss the audit process, establish agency audit contacts and to determine the timeline for completion of the report. It was anticipated the release of the report would be spring of 2014.

On Friday, November 14, the LAB delivered the draft audit report. Staff reviewed the report and prepared responses for the exit interview meeting scheduled on Friday, November 21. The staff met with LAB for three and a half hours to discuss the draft audit report. As a result of meeting, staff was asked to provide additional information for further analysis.

2. STAR Project

The State Transforming Agency Resources (STAR) Project is a state-wide project that will consolidate multiple outdated human resource, procurement and financial business IT systems into one efficient, transparent and modern enterprise-wide system.

Several years ago, the state embarked on a project called IBIS, with the intent of addressing the State's multitude of non-integrated financial, HR and payroll systems, and looking for a more cost efficient and effective way of doing the State's business. During that project, the State selected PeopleSoft as the Enterprise-wide Resources Planning, or ERP, system to replace many of our systems to increase efficiency and reduce costs across State agencies. The STAR Project is building upon the work started with IBIS, and is working with Accenture to implement this modernized system.

The new systems will be implemented in two releases. Finance and Procurement and supporting Business Intelligence will be implemented first. Release 1 is in the build stage right now for finance and procurement. Release 1 testing is scheduled to commence in January 2015. The go-live date for Release 1 deployment is scheduled for July 2015. Release 2 is scheduled for January 2016.

The financial services staff is the primary staff directly involved in Release 1 (finance – accounts payable/receivable and procurement). In November the financial team (Sharrie, Julie and Mike) spent approximately 73 hours on STAR Preparedness. The financial staff attended nine all-day Business Process Workshops (BPW) for procurement, contracting, general ledger, accounts payable, accounts receivable, asset management, contract and grants management. The BPW presentations covered enterprise-wide business processes and related changes and impacts. The workshops provided an opportunity for agency subject matter experts to learn about the new enterprise processes and receive information to understand the impacts and to help us prepare for STAR.

As a result of the BPW's, we are required to complete an Agency Impact Assessment (AIA). The AIA will compare our agency's current processes and practices (as-is) to the

STAR (to-be) business processes. Each agency is required to complete the AIA by January 15, 2015. The AIA will define an appropriate action plan for addressing the changes to our business processes that will be implemented as a result of STAR. The areas affected by the upcoming changes are: end users and stakeholders, user roles and responsibilities, policies and procedures, manuals and desk instructions, forms, reports, hardware and software tools, interfaces and conversions, and document storage.

Additionally, in order to assess how many state staff will need to be trained during Release 1, we have been asked to complete a workbook identifying the number of users and their roles and responsibilities in finance and procurement. This task is due on December 12.

We have also been asked to complete an Interim Position Budget Workbook because during STAR Release 1 (financials) go live and STAR Release 2 (Human Capital Management) go live there is a gap due to the change in the chart of accounts; however, we are required to provide the mapping between the legacy chart of accounts values and the future chart of account values. This workbook is due January 9, 2015.

Staff will continue to keep you apprised as the STAR project moves forward.

3. Financial Services Activity

- Staff calculated and booked the fourth quarter payroll adjusting entries to properly allocate salaries and fringe benefits between federal and state programs, and also created new timesheets and effected several payroll funding changes in the payroll system to account for new hires, employee assignment changes, and for staffing transfers between programs. Financial staff is also calculating and monitoring GPR salary savings from vacant and reduced positions, for purposes of fiscal year-end budget planning.
- Financial staff answered State Budget Office questions on our biennial budget decision items and answered Legislative Audit Bureau audit questions, including compilations of hours worked and labor costs associated with seven special GPR projects, especially recalls and voter ID. No GPR employees worked any time on SVRS maintenance or modernization.
- Staff claimed reimbursements of \$11,950 for October and November Federal Voting Assistance Program (FVAP) grant expenditures, then coordinated the accounting for incoming wire transfers with Department of Administration Treasury staff, and prepared journal entries to record revenues receivable. Financial staff also renewed the federal System for Award Management website registration, and timely filed the quarterly SF 425 Report with the U.S. Department of Defense, due Dec. 30 for this federal aid grant, and reporting \$1,122,267 (59 percent) of the \$1,919,864 grant expended since its inception in March 2012.
- General ledger accounts for both federal and state payroll and travel balance sheet liabilities were analyzed, to facilitate the monthly reconciliation of these 50 ledger account balances. Prepared and booked journal entries to correct any balance sheet

account coding errors. Journal entries were also prepared and booked to reclass purchasing card expenditure object codes and to properly allocate both monthly interest earnings and mixed server usage charges to their appropriate federal or state programs. Monthly DOA General Service Billing charges were audited prior to payments being processed, while rent and utility cost allocations were updated for recent payroll funding changes and for the H251 funding stream expiration. A storage hosting rate overbilling error of \$1,241 was caught and a refund requested.

- Financial staff attended half-day and full-day PeopleSoft business process workshops and systems interface webinars on e-procurement, purchasing, supplier contract management, general ledger, projects and grants, accounts receivable, accounts payable, expenses, and cash management. Staff also researched the federal grant compliance requirements for configuring the projects/grants workbook, updated the agency task list, and validated previously-submitted chartfield values within SharePoint. Both user testing and the first of three scheduled mock conversions will take place in early January.
- Staff compiled and reconciled the HAVA Sections 101 and 251 revenue and expenditure amounts for the Federal Financial Reports, due by December 31 for the federal fiscal year ending September 30, 2014, then forwarded to the Elections Division for incorporation with their narratives. The Section 261 Federal Financial Reports were filed by October 31 this year, since one of the allotment years was fully expended by July 31, triggering a 90-day reporting requirement. The accounting for Section 261 receipts and expenditures has now been fully transitioned to the federal fiscal year 2010 allotment of \$201,091. Thereafter, only one federal grant allotment year remains, specifically \$99,998 from the 2011 federal year. No further allotments are expected for this federal program. All Federal Cash Management system reports for accessibility expenditures and revenues were also reviewed and reconciled each month.
- Reimbursed labor and ancillary costs of \$9,997 were received from Elections System & Software for the last round of equipment testing on Unity versions 3401 ECO, 5110, 5200, and 5300. This cash receipt was accounted for as a refund of expenditures and allocated amongst several ledger accounts.
- The program to reimburse municipalities for accessible voting equipment sunset August 31, and the Elections Division is reviewing and approving final requests for reimbursement, as presented before that date. A transfer authorization was requested of and received from the State Budget Office, to move FY15 funds from the supplies and services line item to the 'local aid to municipalities' line item. The remaining ledger balance will then be re-purposed as HAVA 251 funding.
- Staff also assisted in answering questions of voters about their polling locations, voter registration, and proof of residence during the general election held Tuesday, November 4.

4. Procurements

As part of the November 4 election, 14 temporary services staff were hired to assist in conducting accessibility audits of polling places throughout the state. Also as part of the November election, a purchase order was written to KW2 for advertising services following the Seventh Circuit Court of Appeals decision reinstating the Voter ID law to update the voter education advertising campaign for the November election. KW2 invoiced the agency for its work to update the campaign; however, the U.S. Supreme Court put a hold on the Voter ID law before the campaign could air, and there were no charges to run advertising.

Changes within the IT Contractor team have also required the need to change various purchase orders. IT Contractor, Mahesh Valluri's last day with the agency was November 28. His work on the Accessibility project will be reallocated to existing IT Contractor staff.

As part of the STAR project, procurement staff attended Business Process Workshops regarding purchasing processes and procedures in the new PeopleSoft system. There was a half-day session on Monday, November 3, as well as all day sessions on Tuesday, November 4, and Wednesday, November 5.

5. Contract Sunshine

Since the October Board meeting, the certification process for the July to September 2014 period was completed. All of the 37 agencies required to report qualified purchases returned the certification in a timely manner. The Contract Sunshine administrator is also working with the STAR project program staff to begin integrating the process of uploading data to Contract Sunshine from PeopleSoft. Currently, select state agencies upload files generated with Purchase Plus, which is an application that will be eliminated with the implementation of the STAR project.

6. Staffing

Since the October 28 Board meeting, we hired three Elections Specialists (Marianne Griffin, Matthew Kitzman and Jennifer Webb). They began their appointments on November 17, 2014. We also had one Elections Specialist (Lila Walsh) resign from her position effective November 7.

Currently, we have three vacant Elections Specialist positions. Staff is working on getting these positions posted in preparation for starting recruitment efforts in January.

Staff is also working on the vacant Attorney recruitment. Applicants have applied, now we are waiting for the exams to be rated. Once that process concludes, we will begin the interview process.

7. Communications Report

Since the October 28, 2014, Board meeting, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

Online: As the agency's webmaster, the PIO managed updates to the website and assisted the Ethics & Accountability Division with major changes to the Lobbying section.

Media: The November 4 General Election generated large numbers of media inquiries both before and after Election Day. Between October 20 and November 26, the PIO has logged 179 media and general public phone calls and 215 media email contacts.

Public Records: The G.A.B. received three new public records requests between and October 20 and November 26 and made progress in fulfilling outstanding requests. Because one of the agency's two staff counsel positions is currently vacant, progress is still slow.

Other: On October 27, the PIO gave a speech to the La Crosse Rotary Club about the G.A.B. and its role in the nonpartisan administration of elections and ethics laws in Wisconsin. In conjunction with the trip to La Crosse, the PIO also visited the well-organized early voting site at La Crosse City Hall.

8. Meetings and Presentations

During the time since the October 28, 2014, Board meeting, Director Kennedy has been participating in a series of meetings and working with agency staff on several projects. The primary focus of the staff meetings has been on post-election activities related to the November 4, 2012 general election and preparations for the 2015 spring nonpartisan elections for judicial, county, municipal and school district offices. The Management Team along with staff have also spent considerable time addressing issues raised in the draft audit report provided to the staff by the Legislative Audit Bureau (LAB) on November 14, 2014. An exit interview with the State Auditor, the LAB audit team and the agency Management Team was held on November 21, 2014.

The day prior to the last Board meeting, Elections Supervisor Ross Hein and Training Coordinator Allison Coakley represented the agency at the Wisconsin Towns Association Annual convention in Stevens Point. This was a great opportunity for Elections Division staff to meet with many of the 1,200-plus town clerks to discuss Election Day preparations eight days before the November 4 general election.

That same day, October 27, 2014, Director Kennedy spent several hours at the early voting location in Milwaukee observing the conduct of in-person absentee voting. On October 30, 2014, Director Kennedy attended a federal court hearing on campaign finance-related litigation. He also returned to the early voting location in Milwaukee to observe the conduct of in-person absentee voting that day.

On October 29, 2014, Director Kennedy, Elections Division Administrator Mike Haas and Staff Counsel Nate Judnic participated in a training seminar for Department of Justice Election Day observers. Administrator Haas and Staff Counsel Judnic also presented a webinar to law enforcement prior to the training seminar. Also that morning, Director Kennedy conducted an extended interview for WIBA radio with John Colburn about preparations for the November 4 general election.

On October 30, 2014, Director Kennedy, Elections Division Administrator Haas, Elections Supervisor Hein, Legislative Liaison Brian Bell along with elections specialists

David Buerger and Diane Lowe met with representatives of the Wisconsin County Clerks Association (WCCA) legislative committee to discuss the WCCA 2015 legislative agenda.

Director Kennedy also appeared on the October 31, 2014 Wisconsin Public Television program *Here and Now* to discuss voter preparedness for the November 4 General Election. Director Kennedy spent a good part of Election Day observing voting at several polling places in Southwestern Wisconsin and the Madison area.

Director Kennedy participated on a panel on the use of election-related data for the National Conference of State Legislatures' Elections Staff Network Meeting in Austin, Texas on November 18, 19, 2014. Professor Charles Stewart III from the Massachusetts Institute of Technology and Lori Edwards, Polk County Florida Supervisor of Elections, also participated on the panel. Representatives of Wisconsin's Legislative Council and Legislative Reference Bureau were in attendance along with legislative service support staff from around the country.

On November 21, 2014, Director Kennedy, SVRS IT Lead Sarah Whitt and Brian Bell participated in a teleconference call with representatives from The Pew Charitable Trusts and University of Wisconsin-Madison Professor Barry Burden to discuss possible research using Wisconsin voter registration data to support the case for improving voter data quality and online voter registration.

Richard Rydecki, the agency disability specialist, organized a meeting with Alicia Boehm of Disability Rights Wisconsin (DRW) and DRW attorney Kit Kerschensteiner regarding transition to a new DRW liaison. Ms. Boehm has served as our primary contact with the disability community since 2004. She has also been an active participant in the agency's evaluation of voting equipment for approval for use in Wisconsin.

Sarah Whitt and Director Kennedy participated in the Voter Information Project (VIP) Summit in Los Angeles on December 4 and 5, 2014 hosted by The Pew Charitable Trusts. Sarah has been an active participant in assisting Pew with the design and development of VIP, which enables voters to access information using standard internet search engines about polling place location and sample ballots for major elections on a national level. For Wisconsin elections, VIP draws on data prepared by the agency's Statewide Voter Registration System (SVRS).

Director Kennedy and Michigan Director of Elections Christopher Thomas participated in a briefing for new Secretaries of State held in conjunction with the VIP Summit.

On December 9, 2014, Director Kennedy participated on the Election Legislation and Litigation Update panel at the annual conference of the Council on Governmental Ethics Laws (COGEL) in Pittsburgh. The panel was moderated by Keith Archer, Chief Electoral Officer of British Columbia. Other participants included Paul Pirani, Chief Legal Officer for the Australian Electoral Commission and Shipra Verma, Chief Electoral Officer, Elections Manitoba. Director Kennedy has been a regular COGEL participant, presenting the United States overview of trends in election legislation and litigation at several COGEL annual conferences.

Looking Ahead

The next Board meeting is a teleconference meeting scheduled for Tuesday, January 13, 2015. The meeting will be held in the agency offices, beginning at 1:00 p.m.

Action Items

Continue preparations for the 2015 nonpartisan election cycle, prepare for the annual campaign finance and lobbying filings. Develop an action plan to respond to the recommendations of the Legislative Audit Bureau in its recent audit of agency activities.