

State of Wisconsin \ Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

DATE: January 11, 2011

TO: Government Accountability Board Members

FROM: Kevin J. Kennedy
Director and General Counsel

SUBJECT: Supplemental materials for January 13 teleconference meeting

Please find attached the supplemental materials for the January 13 teleconference meeting:

- Ballot Access Report
 1. Ballot Access Memo
 2. Number of Candidates Registered Chart
 3. List of Registered Candidates

- Report on Impartial Justice Applications and Distributions
 1. Board Memo re DTF application
 2. Board Memo re Winnig
 3. Winnig DTF Application
 4. Winnig Legal Memo
 5. Certification Correspondence to Justice Prosser
 6. Prosser Spreadsheet
 7. Certification Correspondence to JoAnne Kloppenburg
 8. Kloppenburg Spreadsheet
 9. Certification Correspondence to Joel Winnig
 10. Winnig Spreadsheet

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 13, 2011 Board Meeting

TO: Members, Government Accountability Board

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

Prepared by: Diane Lowe, Lead Elections Specialist

SUBJECT: Ballot Access for the 2011 Spring Election

Summary

The nomination paper filing deadline for the 2011 General Election for Judicial offices was 5:00 pm on Tuesday, January 4, 2011. Sixty six (66) candidates filed with the Government Accountability Board Elections Division. Two (2) candidates registered for the election but did not submit any nomination papers. (One of those candidates was Robert A. Hawley, candidate for Winnebago County Circuit Court Judge, Branch 6, who had registered for the election, and later filed a Notification of Noncandidacy.)

The first day to circulate nomination papers was December 1, 2010. The first candidate filed nomination papers on Friday, December 10. Elections Division staff received fifty (50) sets of nomination papers by December 30. Ten sets were received on January 3, and Four (4) sets were received on January 4, 2011. Every nomination paper received was reviewed and a determination was made regarding sufficiency within 24-48 hours.

By the deadline for filing nomination papers, thirteen (13) candidates had also filed additional nomination papers to supplement their original filing.

Four (4) incumbents filed notifications of noncandidacy with the Elections Division by the deadline of December 27, 2010. These were incumbents who were not seeking re-election to their currently held office. No incumbent failed to timely file a notification of noncandidacy and there will be no 72-hour extension for any office. A chart showing the number of candidates by office is attached.

Approval for Ballot Status

A listing of candidates recommended for ballot status will be available at the board meeting and is also available on the Elections Division website at <http://gab.wi.gov>. Staff requests Board affirmation of the ballot status of those candidates listed.

Denial of Ballot Status

Two candidates for Winnebago County Circuit Court Judge, Branch 6 registered for the election and filed Declarations of Candidacy, but did not file nomination papers. Staff recommends that the following candidates be denied ballot status.

1. Robert A. Hawley
2. David W. Keck

Irregularities in Ballot Access Documents Not Affecting Ballot Status

During review of nomination papers and other ballot access documents, Elections Division staff identified the following irregularities, none of which affected ballot status:

Staff allowed for irregularities in listing office title, such as “Supreme Court Justice” and “Appellate Court Judge.” Staff determined that the papers were sufficient as long as the electors could determine the office and district the candidate was pursuing by information provided in the nomination paper heading. In all cases the district sought was identified.

Staff identified candidates who used the primary date of February 15, 2011 and who listed both the primary and election dates. Staff determined that the electors understood the nomination papers were for the April 5, 2011 Spring election, and the papers were found to be sufficient.

Challenges to Ballot Status

The deadline for challenges to ballot status was Friday, January 7, 2011. No challenges were filed.

Attach.

Number of Candidates Registered vs. Number of Candidates who Qualified (By Office)

April 5, 2011 Spring Election

	Justice of the Supreme Court	Court of Appeals Judge	Circuit Court Judge	Total
Number Registered	4	2	60	66
Number qualified	4	2	58	64

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		Justice of the Supreme Court		Incumbent:		David T. Prosser Jr			
2011SPREL-042	105065	JOANNE F. KLOPPENBURG 2318 Rowley Ave Madison, WI 53726	Non-Partisan	12/7/2010	1/4/2011	12/30/2010	2172		APR
2011SPREL-060	100823	DAVID T. PROSSER, JR. 821 E College Ave Appleton, WI 54911	Non-Partisan	1/3/2011	12/30/2010	1/3/2011	2883		APR
2011SPREL-063	105060	MARLA STEPHENS 4214 N Stowell Ave Shorewood, WI 53211	Non-Partisan	1/4/2011	1/3/2011	1/4/2011	2501		APR
2011SPREL-062	102802	JOEL WINNIG 10 Canvasback Cir Madison, WI 53717	Non-Partisan	1/4/2011	1/5/2011	1/4/2011	2687		APR
		Office Subtotal: 4							
Office:		COURT OF APPEALS - DISTRICT 3		Incumbent:		Gregory A. Peterson			
2011SPREL-019	101720	GREGORY PETERSON 403 Tartan Place Eau Claire, WI 54701	Non-Partisan	12/22/2010	12/7/2010	12/22/2010	1284		APR
		Office Subtotal: 1							
Office:		COURT OF APPEALS - DISTRICT 4		Incumbent:		Paul B. Higginbotham			
2011SPREL-054	102788	PAUL B. HIGGINBOTHAM 2780 Osmundsen Rd Fitchburg, WI 53711	Non-Partisan	12/1/2010	1/4/2011	1/3/2011	1516		APR
		Office Subtotal: 1							
Office:		COLUMBIA COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:		James O. Miller (Filed Notification of Noncandidacy)			
2011SPREL-026	104573	TROY D. CROSS N7563 Pine Ridge Circle Portage, WI 53901	Non-Partisan	11/10/2010	12/27/2010	12/27/2010	220		APR
2011SPREL-055	102725	TIM HENNEY 805 Prospect Ave Portage, WI 53901	Non-Partisan	1/3/2011	1/6/2011	1/3/2011	257		APR
2011SPREL-059	105066	MARK D. LAWTON 604 Granite Way Sun Prairie, WI 53590	Non-Partisan	1/3/2011	1/5/2011	1/3/2011	290		APR
2011SPREL-051	105064	W. ANDREW VOIGT 2425 Lennon Street Portage, WI 53901	Non-Partisan	11/4/2010	1/3/2011	1/3/2011	251		APR
		Office Subtotal: 4							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Maryann Sumi				
2011SPREL-007	103741	MARYANN SUMI 51 White Oaks Lane Madison, WI 53711	Non-Partisan	11/23/2010	12/30/2010	12/17/2010	293		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 9		Incumbent:	Richard G. Niess				
2011SPREL-005	104379	RICHARD G. NIESS 360 West Washington Avenue P204 Madison, WI 53703	Non-Partisan	10/25/2010	12/29/2010	12/15/2010	253		APR
2011SPREL-046	103544	BRIANE F. PAGEL JR. 3011 Elm Lane Middleton, WI 53562	Non-Partisan	12/30/2010	12/30/2010	12/30/2010	259		APR
		Office Subtotal: 2							
Office:		FOND DU LAC COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Robert J. Wirtz				
2011SPREL-040	103752	ROBERT J. WIRTZ W3198 Maple Rd Eden, WI 53019	Non-Partisan	11/19/2010	12/30/2010	12/29/2010	323		APR
		Office Subtotal: 1							
Office:		GRANT COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Robert P. Vandehey				
2011SPREL-001	103749	ROBERT P. VANDEHEY 903 Sheridan Court Lancaster, WI 53813	Non-Partisan	12/10/2010	11/30/2010	12/10/2010	203		APR
		Office Subtotal: 1							
Office:		GREEN LAKE COUNTY CIRCUIT COURT JUDGE		Incumbent:	William M. Mcmonigal (Filed Notification of Noncandidacy)				
2011SPREL-045	104372	JOHN B. SELSING W457 E Waushara St Berlin, WI 54923	Non-Partisan	12/2/2010	12/22/2010	12/30/2010	338		APR
2011SPREL-036	103900	MARK SLATE Po Box 400 Markesan, WI 53946	Non-Partisan	12/20/2010	1/4/2011	12/29/2010	221		APR
2011SPREL-048	105067	JON R. WILSNACK Po Box 520 Markesan, WI 53946	Non-Partisan	12/22/2010	12/30/2010	12/30/2010	304		APR
		Office Subtotal: 3							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		IRON COUNTY CIRCUIT COURT JUDGE		Incumbent:	Patrick J. Madden				
2011SPREL-011	101719	PATRICK J. MADDEN 2 Maple St Hurley, WI 54550	Non-Partisan	12/23/2010	12/2/2010	12/17/2010	344		APR
		Office Subtotal: 1							
Office:		JEFFERSON COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Randy R. Koschnick				
2011SPREL-024	103736	RANDY R. KOSCHNICK W137 Oosty Avenue Oconomowoc, WI 53066	Non-Partisan	11/15/2010	12/2/2010	12/27/2010	391		APR
		Office Subtotal: 1							
Office:		KENOSHA COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Anthony G. Milisauskas				
2011SPREL-030	104378	ANTHONY MILISAUSKAS 9414 12Th Place Kenosha, WI 53144	Non-Partisan	12/2/2010	11/29/2010	12/28/2010	296		APR
		Office Subtotal: 1							
Office:		LACROSSE COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Dale T. Pasell				
2011SPREL-031	103732	DALE T. PASELL 1025 Oak Avenue North Onalaska, WI 54650	Non-Partisan	12/22/2010	12/7/2010	12/28/2010	398		APR
		Office Subtotal: 1							
Office:		LANGLADE COUNTY CIRCUIT COURT JUDGE		Incumbent:	Fred W. Kawalski				
2011SPREL-021	104381	FRED W. KAWALSKI 838 Pine Street Antigo, WI 54409	Non-Partisan	12/16/2010	12/27/2010	12/23/2010	267		APR
		Office Subtotal: 1							
Office:		LINCOLN COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Glenn H. Hartley				
2011SPREL-012	103731	GLENN H. HARTLEY W5437 N Shore Drive Irma, WI 54442	Non-Partisan	12/8/2010	12/8/2010	12/20/2010	214		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MANITOWOC COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Jerome L. Fox				
2011SPREL-025	104377	JEROME L. FOX 636 35Th Street Po Box 94 Two Rivers, WI 54241	Non-Partisan	11/8/2010	12/15/2010	12/27/2010	242		APR
		Office Subtotal: 1							
Office:		MARATHON COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Patrick Brady (Filed Notification of Noncandidacy)				
2011SPREL-034	104796	SANDRA J. MARCUS 1025 Spring Street Wausau, WI 54402	Non-Partisan	10/21/2010	12/21/2010	12/29/2010	350		APR
2011SPREL-037	105063	MIKE MORAN 2513 Elmwood Blvd Wausau, WI 54403	Non-Partisan	12/29/2010	12/29/2010	12/29/2010	335		APR
2011SPREL-039	104783	PETER C. ROTTER 410 Fulton Street Wausau, WI 54403	Non-Partisan	11/29/2010	1/5/2011	12/29/2010	392		APR
		Office Subtotal: 3							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Maxine A. White				
2011SPREL-029	102997	MAXINE A. WHITE 4715 West Washington Blvd Milwaukee, WI 53208	Non-Partisan	11/15/2010	12/30/2010	12/27/2010	1510		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 9		Incumbent:	Paul R. Van Grunsven				
2011SPREL-009	104373	PAUL VAN GRUNSVEN 9015 N Iroquois Road Bayside, WI 53217	Non-Partisan	10/8/2010	11/30/2010	12/20/2010	1522		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 10		Incumbent:	Timothy G. Dugan				
2011SPREL-038	102755	TIMOTHY G. DUGAN 4425 N Murray Ave Shorewood, WI 53211	Non-Partisan	11/9/2010	12/29/2010	12/29/2010	2000		APR
		Office Subtotal: 1							

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Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 13		Incumbent:	Mary Triggiano				
2011SPREL-023	104368	MARY TRIGGIANO 2805 South Wentworth Milwaukee, WI 53207	Non-Partisan	11/10/2010	12/27/2010	12/23/2010	1605		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 18		Incumbent:	Pedro A. Colon				
2011SPREL-058	103656	PEDRO COLON 821 S 3Rd Street Milwaukee, WI 53204	Non-Partisan	10/26/2010	12/8/2010	1/3/2011	1999		APR
2011SPREL-061	105061	ROY KORTE 6101 N Santa Monica Blvd Whitefish Bay, WI 53217	Non-Partisan	11/9/2010	1/3/2011	1/4/2011	1333		APR
2011SPREL-057	104776	CHRISTOPHER R. LIPSCOMB SR 2340 West Wingate Avenue Glendale, WI 53209	Non-Partisan	1/3/2011	1/5/2011	1/3/2011	1839		APR
		Office Subtotal: 3							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 19		Incumbent:	Dennis R. Cimpl				
2011SPREL-022	103537	DENNIS R. CIMPL 2878 N Park Dr Wauwatosa, WI 53222	Non-Partisan	8/30/2010	12/6/2010	12/23/2010	1719		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 33		Incumbent:	Carl Ashley				
2011SPREL-033	103550	CARL ASHLEY 10590 W Fountain Ave Unit 501 Milwaukee, WI 53224	Non-Partisan	10/18/2010	12/28/2010	12/28/2010	1811		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 35		Incumbent:	Frederick C. Rosa				
2011SPREL-016	104240	FREDERICK C. ROSA 9737 West Juniper Court Milwaukee, WI 53224	Non-Partisan	11/8/2010	12/15/2010	12/22/2010	1632		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 36		Incumbent:	Jeffrey A. Kremers				
2011SPREL-013	103014	JEFFREY A. KREMERS 4404 N Marlborough Shorewood, WI 53211	Non-Partisan	11/1/2010	12/13/2010	12/20/2010	1337		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 47		Incumbent:	John Siefert				
2011SPREL-014	100546	JOHN SIEFERT 2951 N Marietta Milwaukee, WI 53211	Non-Partisan	12/20/2010	12/20/2010	12/20/2010	1433		APR
		Office Subtotal: 1							
Office:		OCONTO COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Michael T. Judge				
2011SPREL-047	104374	MICHAEL T. JUDGE 7068 Lone Oak Lane Sobieski, WI 54171	Non-Partisan	12/30/2010	12/20/2010	12/30/2010	336		APR
		Office Subtotal: 1							
Office:		OUTAGAMIE COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Mark J. McGinnis				
2011SPREL-041	104369	MARK J. MCGINNIS 6600 N Headwall Circle Appleton, WI 54913	Non-Partisan	11/4/2010	12/30/2010	12/30/2010	357		APR
		Office Subtotal: 1							
Office:		POLK COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	(Vacant)				
2011SPREL-044	104046	JEFF ANDERSON 1034 210Th Street Dresser, WI 54009	Non-Partisan	12/9/2010	12/28/2010	12/30/2010	287		APR
2011SPREL-002	104098	JAMES JAY RENNICKE 337 220Th Avenue Comstock, WI 54826	Non-Partisan	11/29/2010	12/27/2010	12/13/2010	222		APR
2011SPREL-056	104494	DANIEL P. STEFFEN 2398 10Th Ave Osceola, WI 54020	Non-Partisan	12/15/2010	1/3/2011	1/3/2011	353		APR
		Office Subtotal: 3							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		PORTAGE COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Fred Fleishauer				
2011SPREL-027	101137	FRED FLEISHAUER 3160 County Rd K N Custer, WI 54423	Non-Partisan	12/6/2010	12/13/2010	12/27/2010	297		APR
		Office Subtotal: 1							
Office:		RACINE COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Emily S. Mueller				
2011SPREL-008	103007	EMILY S. MUELLER 34 Lakewood Court Racine, WI 53402	Non-Partisan	11/23/2010	12/17/2010	12/17/2010	400		APR
		Office Subtotal: 1							
Office:		RACINE COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Dennis J. Barry				
2011SPREL-006	101324	DENNIS J. BARRY 909 Russet Street Racine, WI 53405	Non-Partisan	12/16/2010	12/2/2010	12/16/2010	343		APR
		Office Subtotal: 1							
Office:		SHEBOYGAN COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Angela W. Sutkiewicz				
2011SPREL-052	105056	CATHERINE Q. DELAHUNT 837 Briarwood Court Kohler, WI 53044	Non-Partisan	12/3/2010	12/30/2010	1/3/2011	400		APR
2011SPREL-015	105059	JAMES A. HAASCH N7101 Riverwoods Dr Sheboygan, WI 53083	Non-Partisan	10/15/2010	12/8/2010	12/21/2010	318		APR
2011SPREL-032	105062	ANGELA W. SUTKIEWICZ 434 Erie Avenue Sheboygan, WI 53081	Non-Partisan	12/3/2010	12/28/2010	12/28/2010	389		APR
		Office Subtotal: 3							
Office:		VERNON COUNTY CIRCUIT COURT JUDGE		Incumbent:	Michael J. Rosborough				
2011SPREL-035	102220	MICHAEL J. ROSBOROUGH W689 Hillview Drive Stoddard, WI 54658	Non-Partisan	11/29/2010	12/20/2010	12/29/2010	376		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		WASHINGTON COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	James G. Poulos				
2011SPREL-010	105054	JAMES G. POUROS 504 S 6Th Ave West Bend, WI 53095	Non-Partisan	11/30/2010	12/6/2010	12/20/2010	333		APR
		Office Subtotal: 1							
Office:		WASHINGTON COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Todd K. Martens				
2011SPREL-017	103845	TODD K. MARTENS W166 N10095 Santa Fe Court Germantown, WI 53022	Non-Partisan	11/19/2010	12/22/2010	12/22/2010	382		APR
		Office Subtotal: 1							
Office:		WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	Ralph M. Ramirez				
2011SPREL-004	103729	RALPH M. RAMIREZ W251 S4454 Oakview Drive Waukesha, WI 53189	Non-Partisan	11/30/2010	12/7/2010	12/14/2010	400		APR
		Office Subtotal: 1							
Office:		WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Kathleen Byme Stilling				
2011SPREL-043	105053	LLOYD V. CARTER 19915 W Pheasant Run Drive New Berlin, WI 53146	Non-Partisan	7/19/2010	1/3/2011	12/30/2010	400		APR
2011SPREL-050	105055	KATHY STILLING 3390 Muirwood Drive Brookfield, WI 53045	Non-Partisan	12/30/2010	12/30/2010	12/30/2010	398		APR
		Office Subtotal: 2							
Office:		WAUKESHA COUNTY CIRCUIT COURT JUDGE, BRANCH 11		Incumbent:	William Domina				
2011SPREL-018	103291	WILLIAM DOMINA 234 West Main Street 316 Waukesha, WI 53186	Non-Partisan	12/22/2010	12/22/2010	12/22/2010	399		APR
		Office Subtotal: 1							
Office:		WAUPACA COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Philip M. Kirk				
2011SPREL-028	101334	PHILIP M. KIRK N2475 E Miner Drive Waupaca, WI 54981	Non-Partisan	11/22/2010	12/27/2010	12/27/2010	339		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2011 SPRING ELECTION - 04/05/2011

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		WAUSHARA COUNTY CIRCUIT COURT JUDGE		Incumbent:		Guy D. Dutcher			
2011SPREL-020	102821	GUY DUTCHER N2027 Majestic Pines Circle Wautoma, WI 54982	Non-Partisan	12/7/2010	12/20/2010	12/23/2010	316		APR
		Office Subtotal: 1							
Office:		WINNEBAGO COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:		Scott C. Woldt			
2011SPREL-003	104367	SCOTT C. WOLDT 346 Overland Trail Oshkosh, WI 54904	Non-Partisan	11/17/2010	12/15/2010	12/14/2010	393		APR
		Office Subtotal: 1							
Office:		WINNEBAGO COUNTY CIRCUIT COURT JUDGE, BRANCH 6		Incumbent:		Robert A. Hawley (Filed Notification of Noncandidacy)			
2011SPREL-049	104370	DANIEL J. BISSETT 5199 High Pointe Dr. Winneconne, WI 54986	Non-Partisan	11/18/2010	12/16/2010	12/30/2010	220		APR
2011SPREL-064	103124	CAROLINE A. CARVER 923 Nicolet Avenue Oshkosh, WI 54901	Non-Partisan	1/4/2011	1/5/2011	1/4/2011	325		APR
	101341	ROBERT A. HAWLEY 1225 Summit Ave Apt 202 Oshkosh, WI 54902	Non-Partisan	12/2/2010	12/22/2010		0		DENY
2011SPREL-053	103529	EDMUND J. JELINSKI 2780 County Road Jj Neenah, WI 54956	Non-Partisan	12/28/2010	12/28/2010	1/3/2011	264		APR
	104856	DAVID W. KECK N9017 Lakeshore Dr Van Dyne, WI 54979	Non-Partisan	7/30/2010			0		DENY
		Office Subtotal: 5							

Wisconsin Government Accountability Board

Candidates Registered by Office

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status
								<u>Primary</u> <u>General</u>

Total Number of Candidates: 66

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of January 13, 2011

TO: Members, Wisconsin Government Accountability Board

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

Jonathan Becker
Ethics and Accountability Division Administrator

Prepared and Presented by:
Michael Haas, Staff Counsel

Richard Bohringer
Lead Campaign Auditor

SUBJECT: Certification of Democracy Trust Fund Applications

Three of the four candidates submitting nomination papers for the election of Supreme Court Justice at the 2011 Spring Election have also filed applications to request public financing grants from the Democracy Trust Fund (DTF). The application deadline under the Impartial Justice Act was Wednesday, January 5, 2011.

As part of the application, campaign committees were required to submit complete reports regarding contributions received and disbursements made prior to the application deadline. Board staff has reviewed the applications and finance reports to determine whether each candidate is eligible to receive DTF funds. One candidate, Marla Stephens, did not apply for DTF funds and therefore will be treated as a nonparticipating candidate under the Impartial Justice Act.

Attached is correspondence to each of the applying candidates along with an accompanying spreadsheet summarizing the contribution activity of each campaign for the candidates who have applied for public financing – Justice David Prosser, Joel Winnig, and JoAnne Kloppenburg. Staff has determined that each applicant has received a sufficient number of qualifying contributions from Wisconsin electors in amounts between \$5 and \$100 to achieve eligibility as a participating candidate.

As indicated in the attached correspondence, staff has advised candidates Prosser and Kloppenburg that their applications have been approved, contingent upon the Board certifying their ballot access. The campaigns are also being asked to take steps to comply with several

reporting and contribution restrictions. Specifically, the candidates are required to return contributions from out-of-state contributors, transfer excess contributions to the Board, and complete contributor information which is omitted from the initial campaign finance reports.

Mr. Winnig informed Board staff that his campaign accepted cash contributions exceeding the aggregate limit of \$500 established by the Act. After researching the possible ramifications of accepting those cash contributions, staff has withheld a determination pending Board action, but is recommending approval of Mr. Winnig's application. A separate memorandum is included in the Board materials outlining the legal issues pertaining to the Winnig application.

No Board action is required regarding the applications filed by candidates Prosser and Kloppenburg unless the Board disagrees with the conditions stated in the certification letters.

State of Wisconsin \ Government Accountability Board

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JUDGE GORDON MYSE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of January 13, 2011

TO: Members, Wisconsin Government Accountability Board

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

Jonathan Becker
Ethics and Accountability Division Administrator

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Democracy Trust Fund Application of Joel Winnig for Justice

Introduction

The Board has received correspondence from Supreme Court candidate Joel Winnig regarding his campaign's application for a public finance grant under the Impartial Justice Act. Attached is Mr. Winnig's application as well as a legal memorandum in which he argues that his application should be approved even though qualifying contributions received in the form of cash by the campaign exceeded the aggregate limit of \$500 contained in the Act. Mr. Winnig has indicated that his campaign accepted between \$4,000 - \$5,000 in cash contributions. While Board staff does not agree with Mr. Winnig's argument that the statutory provision at issue is unconstitutional, it is nevertheless staff's opinion that the excess cash contributions do not disqualify him from receiving public financing from the Democracy Trust Fund (DTF).

Constitutional Challenge

Mr. Winnig essentially argues that the restriction on the aggregate amount of cash contributions violates the Equal Protection Clause of the U.S. Constitution by discriminating against individual contributors who cannot make campaign contributions without incurring some cost of obtaining either a bank checking account or a money order. His legal memorandum cites several court decisions emphasizing the right of citizens to participate in the electoral process on an equal basis and free of financial constraints.

While Board staff has not evaluated each of the court decisions cited by Mr. Winnig, those decisions involve the fundamental right of citizens to participate in the electoral process by voting, not the ability of the Legislature to regulate campaign contributions. Without the existence of an obvious constitutional issue, Board staff believes that the role of the Board in

administering the legislation is to presume that it is constitutional unless a court of law finds to the contrary.

Statutory Analysis

While Board staff disputes the constitutional arguments presented by Mr. Winnig, staff believes that an analysis of the relevant statutory provisions supports a finding that his DTF application should be approved.

Wisconsin Statutes §11.506 establishes several requirements and restrictions which are imposed on candidates who participate in the Democracy Trust Fund. Subsection (1) states that a participating candidate shall not accept private contributions other than seed money and qualifying contributions raised during the appropriate time periods. Subsection (2) requires participating candidates to submit financial reports twice a month, and Subsection (3) requires participating candidates to maintain records of contributions which must contain the contributor's full name and home address. Under Subsections (4) and (5), the failure to provide the information described in Subsection (3) disqualifies a contribution from being deposited and used as a qualifying contribution. Finally, Subsection (6) states that no participating candidate may accept more than \$25 in cash from any contributor nor more than \$500 in cash from all sources. Section 11.506, Stats., does not specifically state whether the acceptance of cash exceeding the aggregate of \$500 disqualifies the specific contributions or affects a candidate's eligibility for public financing.

There are several statutory provisions which establish three types of consequences for a candidate's failure to comply with requirements of the Impartial Justice Act. The most serious penalty is contained in §11.518(1), Stats., which creates a Class G felony for a participating candidate who knowingly accepts more contributions than the candidate is entitled to receive, or makes disbursements exceeding the allowable amount of private contributions and public financing received by the candidate. Mr. Winnig has argued, and staff concurs, that this provision does not apply because it is intended to penalize a candidate who, after qualifying for public financing, continues to raise private contributions. Furthermore, the contributions received by Mr. Winnig do not exceed the maximum permitted qualifying contributions; rather it is the form of the excess cash contributions which do not comply with §11.506(6), Stats.

The second type of potential penalty for failure to comply with contribution limits would be to disqualify the candidate from receiving public financing grants. Pursuant to §§11.502(1), Stats., before a candidate may be certified as eligible to receive a public financing benefit, the candidate must file a sworn statement that the candidate has complied with all requirements of §§11.503 to 11.522, Stats. which would include the aggregate cash contribution limit established by §11.506, Stats. A candidate shall be certified as an eligible candidate if the candidate complies with the certification requirement and receives qualifying contributions from at least 1,000 separate Wisconsin electors in an aggregate amount of between \$5,000 and \$15,000. §11.502(2), Stats.

Under a strict reading of §11.502(1), Stats., it may be argued that Mr. Winnig's DTF application should not be approved because his campaign accepted cash contributions in excess of the \$500 aggregate limit. The Board could interpret the Act to determine that the excess cash contributions are not valid seed money or qualifying contributions, and that therefore the

Winnig campaign has violated the contribution limits. Furthermore, if the Board disqualified the excess cash contributions, the campaign has not raised sufficient qualifying contributions to satisfy the DTF eligibility requirements. As explained below, however, staff has not adopted this strict interpretation, given that the excess cash contributions do not seem to undermine the key purposes of the Act which are to ensure that candidates demonstrate the required threshold of financial support from Wisconsin contributors and comply with the maximum contribution and expenditure limitations, and given that the reports of the other two candidates applying for public financing include some flaws which do not strictly comply with the restrictions in the Act.

The third type of penalty contemplated by the Impartial Justice Act is a civil forfeiture, comparable to penalties imposed by the Board under other campaign finance regulations. Section 11.517(2), Stats., states that any eligible candidate who accepts contributions in excess of limitations imposed by the Act may be required to forfeit not more than 10 times the amount of the excess contributions. Significantly, however, §11.517(3), Stats requires the Board to undergo a conciliation process in the event that it finds probable cause that an eligible candidate has made excess disbursements or has accepted excess contributions. In that case, the statute requires the Board to, for a period of not more than 14 days after its finding, attempt to correct the matter by informal methods of conference and conciliation, and enter into an agreement with the candidate. Unless subsequently violated, a settlement and conciliation agreement is a bar to the Board bringing a civil action seeking a forfeiture.

Applying these statutory provisions to the Winnig application, it is the opinion of Board staff that cash contributions exceeding \$500 should be counted as qualifying contributions and should not affect his eligibility to receive DTF funds, for several reasons. First, “qualifying contribution” is defined in §11.501(16), Stats., simply as a contribution between \$5 and \$100 made to a candidate by a Wisconsin elector during the public financing qualifying period which is acknowledged by a written receipt identifying the contributor. Each of the individual contributions received by the Winnig campaign satisfies that definition, and, even though in the aggregate they exceed the allowable maximum cash contributions, the total contributions are within the amount permitted as qualifying contributions.

Second, the conciliation language in §11.517(3), Stats., as well as the remedy established in §11.509, Stats., seem to imply that the Legislature anticipated that a candidate might qualify for DTF funds despite not fully complying with relatively minor aspects of the Impartial Justice Act. Even if the cash contributions are considered to be excess contributions, §11.517(3), Stats., requires the Board to work with a candidate to correct the error. Presumably, the purpose of the conciliation process is to ensure that the candidate does not benefit from a technical violation of the Act by retaining excess contributions or making excess disbursements. In addition, while candidates are required to certify their compliance with all provisions of the Act, §11.509, Stats. also provides that excess seed money and qualifying contributions are to be transferred to the Board, to be deposited into the DTF, without affecting the candidate’s eligibility.

Third, in reviewing the initial finance reports filed by Mr. Winnig, Justice Prosser, and Ms. Kloppenburg, all three candidates reported some transactions that do not fully comply with the restrictions and reporting requirements of the Impartial Justice Act. Among the errors are the following: (1) contributions were accepted from out-of-state contributors which will need to be

returned; (2) excess seed money and qualifying contributions were accepted which will need to be transferred to the Board; (3) the full contributor name was not provided on the report; and (4) the contributor's post office box was listed on the report rather than the full home address.

None of the candidate's certification statements noted these technical issues regarding compliance with the Act except for Mr. Winnig's specific notification that his campaign had accepted excess cash contributions. In fact, the statutes do not specifically require that candidates designate which contributions were received in cash and the Board likely would not have detected the excess cash contributions without Mr. Winnig bringing the issue to the Board's attention. In that sense, it may be an inequitable result to disqualify Mr. Winnig from public financing while accepting the certification statements of other candidates and permitting them to correct errors in solicitation and reporting of contributions.

For the above reasons, the consensus of the Board's staff is that the DTF application of candidate Winnig should not be rejected based upon the fact that the campaign received cash contributions in excess of \$500. Furthermore, because the cash contributions are within the allowable limit for qualifying contributions, and given the small denominations of each individual contribution, Board staff does not believe it is necessary to require the Winnig campaign to seek out individual contributors and exchange cash contributions for contributions made by check or money order.

Prior to the Board meeting, staff intends to contact a sampling of the contributors who made cash contributions to the Winnig campaign to verify that the campaign provided accurate information, as permitted by §11.502(3), Stats. Absent any red flags resulting from that due diligence, Board staff recommends approval of the Winnig application. If that auditing process indicates that the source or amount of cash contributions have been misrepresented, the Board may reserve the right to pursue civil or criminal penalties pursuant to §§11.517 and 11.518, Stats.

Recommended Motion: Approve the Democracy Trust Fund application of candidate Joel Winnig and decline to impose a penalty regarding cash contributions received by the Winnig campaign exceeding \$500.

HAND DELIVERED



RECEIVED

2011 JAN -5 PM 3:56

GOVERNMENT ACCOUNTABILITY BOARD

Amended

APPLICATION FOR GRANT

FROM WISCONSIN DEMOCRACY TRUST FUND

Name of Candidate Joel Winnig	Street Address 10 Canvasback Circle	City Madison, WI	Zip Code 53717
Campaign Committee Name Joel Winnig for Justice	Street Address 455 County Road M., STE 200,	City Madison, WI	Zip Code 53719
Supreme Court Election Year 2011	Primary Date 2-15-11	Election Date 04/05/11	

THE FOLLOWING STATEMENT MUST BE EXECUTED BY CANDIDATE AND COMMITTEE TREASURER

I, Joel Winnig (print candidate's full name), state that my authorized agent(s) and I have complied with and will continue to comply with all requirements of ss.11.502 to 11.522, Stats., throughout the applicable campaign period, including the primary and election campaigns periods. I further certify that all disclosures required as of the date of this application have been made by my campaign committee, and that my campaign committee has presented evidence of the requisite number of qualifying contributions received, pursuant to §11.51, Wis. Stats. I request approval to participate in the Wisconsin Democracy Trust Fund.

Signature of Candidate

Signature of Treasurer on behalf of Campaign Committee

** see attached addendum*

STATE OF WISCONSIN)
COUNTY OF Dane) ss.

Subscribed and sworn to before me this 5th day of January, 2011.

Notary Public or Person Authorized to Administer Oaths

Notary Public , or _____
(office title, if not a notary)

My Commission Expires 11-2-14, or is permanent.

The information on this form is required by s.11.502, Stats.
This form is prescribed by the GOVERNMENT ACCOUNTABILITY BOARD, P.O. Box 7984, Madison, WI 53707-7984 608-266-8005
WI GAB website: <http://cfis.wi.gov> E-mail: gabcfis@wi.gov

ADDENDUM TO GAB FORM GAB 023-SC

This addendum is part of the Winnig for Justice application for a grant from the Wisconsin Democracy Trust Fund. I modified the statement on the form regarding compliance with all requirements of Wis. Stat. §11.502 to §11.522, as follows:

I have complied, to the best of my knowledge, information and belief, with all requirements of the above described statutes, except that I know that my campaign has not complied with the requirement of Wis. Stat. §11.506(6), because the campaign has accepted sufficient \$5 contributions in full compliance with all requirements of the election statutes, but which contributions, when totaled have exceeded \$500 in cash. I further state that I believe I remain eligible for the grant because enforcement of this portion of the statute is unconstitutional as applied to the Wisconsin electors who have made qualifying contributions to my campaign.

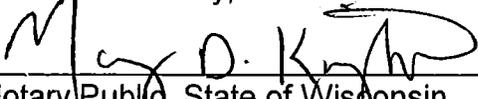
It is an unconstitutional burden on the right of an elector to participate in the process of selecting and voting for a candidate for Supreme Court and to participate in the process of helping that candidate qualify for public financing to not allow a five dollar cash contribution to count, when

1. The contribution is legal.
2. The contribution is a "qualifying contribution" as defined in §11.501(14), Stats.
3. It is only when too many "qualifying contributions" are aggregated together that the candidate is unable to certify full compliance with all provisions of the statute.
4. The requirement to have a poor elector with no bank account be required to turn a contribution from cash into a money order places a substantial and unconstitutional burden on the elector's right to participate in the process of the election. See authorities below.

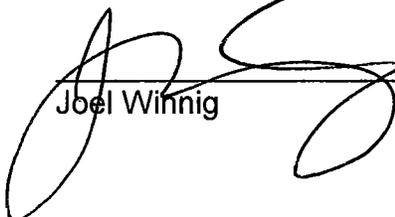
"It is beyond cavil that 'voting is of the most fundamental significance under our constitutional structure' " (quoting Illinois Bd. of Elections v. Socialist Workers Party, 440 U.S. 173, 184, 99 S.Ct. 983, 59 L.Ed.2d 230 (1979)); see also Purcell v. Gonzalez, 549 U.S. 1, 3-4, 127 S.Ct. 5, 166 L.Ed.2d 1 (2006) (per curiam); Dunn v. Blumstein, 405 U.S. 330, 336, 92 S.Ct. 995, 31 L.Ed.2d 274 (1972); Reynolds v. Sims, 377 U.S. 533, 561-562, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964); Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 30 L.Ed. 220 (1886). The Judiciary is obliged to train a skeptical eye on any qualification of that right. See Reynolds, supra, at 562, 84 S.Ct. 1362 ("Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized").

Dissent in Crawford v. Marion County Election Bd. ,553 U.S. 181, 210, 128 S.Ct. 1610, 1627 - 1628 .

Subscribed and sworn to before me this
5th day of January, 2011.



Notary Public, State of Wisconsin
My commission expires 11-02-2014.


Joel Winnig

MEMORANDUM

Winnig for Justice Application for Public Financing Grant

I. INTRODUCTION

This memorandum will show that Joel Winnig, (hereinafter Winnig), as a candidate for Wisconsin Supreme Court, has qualified for a public financing benefit as defined in §11.501(14), Stats.

Qualification for a public financing benefit requires a candidate for the Supreme Court to obtain a sufficient number of qualifying contributions. See §11.502(2), Stats. (1,000 separate contributors providing “qualifying contributions”.)

“Qualifying contribution” means a contribution in an amount of not less than \$5 nor more than \$100 made to a candidate by a Wisconsin elector during the public financing qualifying period, and which is acknowledged by a written receipt identifying the contributor. §11.501(16), Stats.

Winnig has filed the required documents with the GAB to establish that he has obtained the requisite number of “qualifying contributions”. There are other requirements for a candidate to qualify for the public financing benefit. It will be shown below that Winnig has complied with all of the other requirements, except one. He has filed the certification required by §11.501(14), Stats.

The only reason that the certification filed by Winnig would not qualify his campaign for the public financing grant is the addendum placed on the certification that his campaign did not comply with the requirement of Wis. Stat. §11.506(6), which places a \$500 limitation on the ability of an eligible candidate to accept qualifying contributions in cash. In other words, on the strict application of the statute, no more than one hundred of the qualifying contributions can be made in cash. The Winnig campaign, on behalf of Wisconsin electors who chose to make qualifying contributions to his campaign, is asserting the position that this aspect of the public financing law is unconstitutional, because it denies equal protection to the Wisconsin electors who contributed cash to Winnig’s campaign, and who could not contribute in any other fashion without a significant additional cost, which will be detailed below.

Accordingly, because participating in the electoral process has always been held to be a “fundamental political right”¹, which is preservative of all other rights, the Board should find that the refusal to accept the cash contributors to Winnig’s campaign on an equal basis with other contributors to his campaign, and other campaigns, that contributed electronically or by check, denies those Wisconsin electors equal protection under the law, by denying their participation in the process the same equal standing as contributors with access to the electronic or bank means of payment.

Accordingly, the board should vote to accept Winnig’s certification with its limitations and provide the grant for which Winnig has clearly qualified.

II. The Failure to Treat a \$5 Cash Contribution as qualifying a Candidate for the Public Financing Grant is a denial of Equal Protection

The campaign financing law in Wisconsin has a clearly stated policy. See §11.00(1), Stat.

“It is desirable to encourage the broadest possible participation in financing campaigns by all citizens of the state, and to enable candidates to have an equal opportunity to present their programs to the voters.”

Under the law commonly known as the “Impartial Justice Act,” Wisconsin electors were given the power to directly participate in campaigns for the Supreme Court by providing funds to candidates to qualify for a public financing grant. An elector could participate in the form of as little as a \$5 contribution. The law counts a \$5 contribution in cash as long as a receipt is provided. §11.501(16), Stats. The definition of a “qualifying contribution” **does not** require that the contribution be made other than in cash.

1

“But voting cannot hinge on ability to pay, the Court explained, for it is a ‘fundamental political right ... preservative of all rights.’” . Harper v. Virginia Bd. of Elections, 383 U.S. 663,86 S.Ct. 1079, 16 L.Ed.2d 169 (1966) at 667, 86 S.Ct., at 1082 (quoting Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 1071, 30 L.Ed. 220 (1886))

It is only when a campaign obtains more \$5 cash contributions than allowed by §11.506(6), Stats., that the candidate is, by statute, no longer eligible for the public financing benefit. The Winnig campaign believes that the failure to count all of its cash contributions equally with contributions that are made electronically or by negotiable instruments, denies equal protection of the right to participate in the electoral process to the Wisconsin electors that have made “qualifying contributions” to the Winnig campaign, but have made such contributions in cash.

III. Equal Protection Analysis

The constitutional law in this area is quite clear that the right to participate in the important process of selecting a Justice of the Supreme Court is a substantive right that is afforded equal protection under the Fourteenth Amendment to the United States Constitution. See, for example, *Lubin v. Panish*, 415 U.S. 709, 713-714, 94 S.Ct. 1315, 1318 - 1319 (1974)

“It has been established in recent years that the Equal Protection Clause confers the substantive right to participate on an equal basis with other qualified voters whenever the State has adopted an electoral process for determining who will represent any segment of the State's population. See, e.g., Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506; Kramer v. Union School District, 395 U.S. 621, 89 S.Ct. 1886, 23 L.Ed.2d 583; Dunn v. Blumstein, 405 U.S. 330, 336, 92 S.Ct. 995, 999, 31 L.Ed.2d 274.’ San Antonio School District v. Rodriguez, 411 U.S. 1, 59 n. 2, 93 S.Ct. 1278, 1310, 36 L.Ed.2d 16 (1973) (Stewart, J., concurring).”

Lubin, supra, at 717, further went on to hold that while the state had a right to achieve the important and legitimate interest of maintaining integrity of elections, it could not require ballot access fees from indigent candidates. Similarly, while no one can deny the state’s right to limit a significant public financing grant to only candidates that comply with the law in all respects, it cannot constitutionally have a law that denies the participation of voters by burdening them with fees that essentially constitute a poll tax. The Supreme Court spoke quite clearly in *Harper v. Virginia Bd. of Elections*, that a poll tax was an unconstitutional denial of equal protection.

It will be shown by affidavit and documentary evidence that the Winnig campaign had contributors who had no access to electronic means of payment, nor banking relationships. It will be further shown that for those electors to turn cash into negotiable instruments would cost \$2 to \$3, thus burdening their \$5 qualifying contribution within an additional 40% to 60% fee. This fee unconstitutionally denies their right to participate in the electoral process on an equal basis with those whose \$5 contributions are not so burdened. Therefore, this portion of the statute is unconstitutional and cannot be sustained.

This result is further supported by the following additional language from *Harper v. Virginia Bd. of Elections*, supra

“Long ago in Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 1071, 30 L.Ed. 220 the Court referred to ‘the political franchise of voting’ as a ‘fundamental political right, because preservative of all rights.’ Recently in Reynolds v. Sims, 377 U.S. 533, 561-562, 84 S.Ct. 1362, 1381, 12 L.Ed.2d 506, we said, ‘Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.’.....

‘A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution’s Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln’s vision of ‘government of the people, by the people, (and) for the people.’ The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.’ Id., at 568, 84 S.Ct. at 1385.

We say the same whether the citizen, otherwise qualified to vote, has \$1.50 in his pocket or nothing at all, pays the

fee or fails to pay it. The principle that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay.” Harper v. Virginia Bd. of Elections, supra, at 668.

It took reasoning by analogy from prior cases to reach the correct result that a poll tax was unconstitutional in *Harper v. Virginia Board of Elections*, supra. It is a simple analogy from *Harper* and *Yick Wo* to realize that helping a candidate for Supreme Court qualify for a public financing grant is as crucial to the present electoral structure for Supreme Court in Wisconsin as is the actual right to vote. It is also a simple analogy to understand that a cash contributor, without means to convert the cash to a negotiable instrument without a significant additional expense, is unreasonably burdened and is not given equal protection under the Constitution with the more affluent voter. As the United States Supreme Court has easily made these analogies to protect the most fundamental right, which is necessary to preserve all other rights, it should not be difficult for the Board to reach the conclusion that the limitation on cash contributions puts an unreasonable and unconstitutional burden on the participation in the process of an individual who can make a qualifying contribution, but can do no more.

IV. CONCLUSION

The Winnig for Justice campaign has qualified for a public financing grant. Winnig has submitted the application and the appropriate certification. Winnig has demonstrated that he received a sufficient number of “qualifying contributions”.

This memorandum has detailed that the only aspect of the law that could arguably prevent the campaign from receiving the public financing grant is that too many of Winnig’s contributors provided the qualifying contributions in cash. Winnig has demonstrated that for contributors that had no banking or electronic means to pay, that there was a significant additional burden, equivalent to an unconstitutional poll tax, on their participation in the process of assisting the campaign to qualify. As this limitation is unconstitutional, it should be disregarded and the Winnig campaign should be certified to receive the public financing grant. Any other result treats the cash contributor to the

Winnig campaign disparately from other contributors. Any other treatment unconstitutionally burdens these electors' participation in the voting process. As voting is one of the most fundamental rights in democracy, the additional burden placed on an elector's participation in qualifying a candidate for a public financing grant cannot be sustained under the Constitution. Winnig's campaign should be recognized as qualifying for a public financing benefit.

Respectfully submitted,

/s/

Joel Winnig
Candidate for Wisconsin Supreme Court

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

January 11, 2011

Delivered by email to bjn@justiceprosser.com

The Honorable David T. Prosser, Jr.
57 Golf Course Road
Madison WI 53704

Dear Justice Prosser:

This correspondence certifies that your campaign's application requesting public financing from the Democracy Trust Fund has been approved. This certification, and release of public funds for use in the campaign for the 2011 Spring Primary, are contingent upon the Board approving your candidacy for ballot access at its meeting on January 13, 2011.

As indicated on the enclosed spreadsheet, review of the campaign finance report filed with your application has determined that some contributions are not permitted under Wisconsin Statutes because they were made by individuals who are not Wisconsin residents, or because the contributions exceeded the maximum individual contribution of \$100. Excess contributions and contributions made by out-of-state residents must be returned to those individuals by **January 25, 2011**.

In addition, the enclosed spreadsheet also lists a number of contributions for which the contributor information is incomplete because it does not list a full name or full home address, or complete employer information as required by Wisconsin Statutes, or contributions appear to be reported as duplicate entries. The Board is requesting that your campaign provide complete and accurate information for these contributors no later than **January 25, 2011**. In the event that these items are not corrected by that date, the Board reserves the right to pursue penalties as described in Sections 11.517 and 11.518, Wis. Stats. If you have any questions regarding compliance with these requirements, please feel free to contact Lead Campaign Auditor Richard Bohringer at 608-267-7735, or Richard.Bohringer@wi.gov.

Please note that when public financing grants are issued, the State Treasurer will wire the total amount of the base grant and any supplemental grants to your campaign's depository account, as the Treasurer's office is unable to establish and administer a line of credit, as described in the Impartial Justice Act. Therefore, your campaign will be responsible for returning any unused public funds after the Spring Primary Election, or for candidates that progress to the April Spring Election, upon completion of that campaign.

If you or a representative of your campaign have any additional questions regarding this determination, please feel free to contact me at 608-266-0136, or at Michael.haas@wi.gov. You are also welcome to appear at the Board meeting this

Thursday at 10:00 a.m. if you wish to offer any comments regarding this decision. Thank you for your attention to these matters.

GOVERNMENT ACCOUNTABILITY BOARD

A handwritten signature in cursive script that reads "Michael Haas".

Michael R. Haas
Staff Counsel
Enclosure

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

DATE: January 12, 2011

TO: SVRS Users

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: G.A.B. Staff has checked Milestone # 3
New Checklist II for the 2011 February Primary is now available

The Checklist II for the 2011 February Primary is now available on the G.A.B. website at the following link: <insert link> This Checklist covers activities from the checking of Milestone 3 through the close of registration.

- The State has checked Milestone #3 for the 2011 February Primary.
- Counties must enter contests and candidates and then can check Milestone #3 for the 2011 February Primary, no later than January 21, 2011. Please immediately notify Self-Providers that Milestone #3 has been completed at the county level.
- Municipalities must enter contests and candidates and then can check Milestone #3 for the 2011 February Primary, no later than January 25, 2011.
- New Checklist II also includes all Close of Registration and Poll Book printing information.
- The next checklist will be provided after the February 15, 2011 Primary.

Thank you for your usual cooperation. We look forward to an exciting and successful 2011 Spring Election Cycle.

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

David Prosser 100823
 Summary of DTF Qualifications:

# Qualifying Contributions	Reported	Minimum	Maximum
Amount of Qualifying Contributions	1695*	1,000	
Amount of Seed Money	\$13,987.74*	\$5,000	\$15,000
	\$3,809.46*		\$5,000

totals reported by committee

1813	14991.85
------	----------

6299.46

* Totals do not include amounts below

Entries needing attention:
 These entries have not been included in the totals above, but could be added once the highlighted field is corrected.

Qualifying	address	CONDU T ID NUMBER	DATE	LAST NAME	FIRSTNAME	ADDRESS	CITY	ST	ZIP	OCCUPATION TITLE	EMPLOYER NAME	EMPLOYER ADDRESS	EMPLOYER CITY	EMPLOYER STATE	EMPLOYER ZIP CODE	AMOUNT	DTF ID
Qualifying	address		12/29/2010	Kulesha	D	Information Requested										7.50	7.50
Qualifying	address		12/29/2010	Kulesha	K	Information Requested										7.50	7.50
Qualifying	address		12/28/2010	Schultz	Gordon	Information Requested										15	15.00
Seed	address		12/20/2010	Ribnek	James	Information Requested										15	15
Seed	address		12/20/2010	Boucher	Bernice											25.00	25.00
Qualifying	address		12/19/2010	Wiederth	Richard											15.00	15.00
Qualifying	address		12/18/2010	Galloway	Pamela											15.00	15.00
Qualifying	address		12/18/2010	Magiera	Christopher											15.00	15.00
Qualifying	address		12/17/2010	Stern	B.D.											5.00	5.00
Seed	address		12/17/2010	Hofland	Allan											25.00	25.00
Qualifying	address		12/16/2010	Hidden	Orval											10.00	10.00
Qualifying	zip	0900021	1/3/2011	Pechma	Kenneth	2080 Sweet Fern Dr	Green Bay	WI		Dermatologist	Assoc. of	1525 Park Pl	Green Bay	WI	54313	5.00	5.00
Qualifying	zip	0900021	1/3/2011	Swee	Robert	325 Winbeldon Ct	Lake Bluff	WI		Physician	Infinity Health	117 E Wisconsin Ave	Milwaukee	WI	53202	15.00	15.00
Qualifying	zip	900010	12/30/2010	Bartels	Kathy	1028 Kettle Woods Dr	Verona	WI		Realtor	Coldwell	2927 S Fitchburg	Fitchburg	WI	53711	\$5.00	\$5.00
Qualifying	zip		12/29/2010	Walsh	John	703 Oneida Place	Madison	WI			Stephens					10.49	9.11
Seed	zip	0900017	12/29/2010	Higley	William	101 15th Ave	Menominee	WI		Director	Stephens on National Bank & Trust	1820 Hall Ave	Marquette	WI	54143	10.00	20.00

Qualifying		12/21/2010	Matschk e	Nancy	12792 SE 97th Terr	Summerfield	FL	34491											7.50	7.50
Qualifying		12/21/2010	Matschk e	Richard	12792 SE 97th Terr	Summerfield	FL	34491											7.50	7.50
Qualifying		11/23/2010	Michleis	GA	9953 Treasure Cay	Bonita Springs	FL	34135											10.00	10.00
Qualifying		12/28/2010	is	Steven	698 Westhill Ave	Iaho Falls	ID	83402											10.00	10.00
Qualifying		12/14/2010	HOOGEN	JACOB	8607 W R Ave	Kalamazoo	MI	49009											10	10
Seed		0900017	11/30/2010	Higley	William	Menominee	MI	49858											54143	20.00
Qualifying		12/26/2010	Varda	Julie	101-15th Ave 15268 Fish Point Rd SE	Prior Lake	MN	55372											5.00	5.00
Qualifying		0900017	11/30/2010	Davidian	Robert	St. Paul	MN	55105											54736	5.00
Seed		11/24/2010	Nevaser	B. Ann	7221 Colony Dr.	Madison	WI	53717											40.00	140.00
Seed		12/20/2010	Zare	Edward	2505 Dean Road	River Hills	WI	53217											100.00	105.00

The following transactions have been included in the totals but appear that some entries could be duplicates. Some may be multiple entries from the same person. A few appear entered as one individual and then split between spouse
If there are duplicates, this will reduce the stated cash balance!

dup		#####	Balke	Andrew	3978 Timber Lane	Verona	WI	53593											5.00	5.00	Contri ng Qualifi ng Contri ng
dup		#####	Balkin	Andrew	3978 Timber Lane	Verona	WI	53593											5.00	5.00	Contri ng Qualifi ng Contri ng
dup		0900017	#####	Bauer	Jerry	1108 Auth St	WI	54736	Director	Security Financial Bank	212 W. Prospect St	Durand	WI	54736	50.00	50.00	Money	50.00	50.00	Seed Money Qualifi ng Contri ng	
dup		0900017	#####	Bauer	Jerry	1108 Auth St	WI	54736	Director	Security National Bank	212 W. Prospect St	Durand	WI	54736	50.00	50.00	Money	50.00	50.00	Seed Money Qualifi ng Contri ng	
dup		#####	Berg	Meredith	914 Sally's Alley	Hudson	WI	54016											5.00	5.00	Contri ng Qualifi ng Contri ng
dup		#####	Berg	Meredith	914 Sally's Alley	Hudson	WI	54016											5.00	5.00	Contri ng Qualifi ng Contri ng
dup		0900017	#####	Bickelhaupt	Larry	12261 W. Scarlet Oak Ct	WI	53228	Banker	Associate d Bank	200 N. Adams St Bay	Green	WI	53401	10.00	10.00	Qualifi ng	10.00	10.00	Contri ng Qualifi ng	
dup		0900017	#####	Bickelhaupt	Larry	12261 W. Scarlet Oak Ct	WI	53228	Vice President	Associate d Bank	200 N. Adams St Bay	Green	WI	54301	10.00	10.00	Qualifi ng	10.00	10.00	Contri ng Qualifi ng	
dup		#####	Brantmeier	John	1420 S Lee St	Appleton	WI	54915											7.50	7.50	Contri ng Qualifi ng

dup		#####	Brantmeier	John	1420 South Lee St	Appleton	WI		54915					15	15	Quality/ing Contrib		
dup		#####	Brantmeier	Linda	1420 S Lee St	Appleton	WI		54915					7.50	7.50	Quality/ing Contrib		
dup	0900017	#####	Bretting	David	4101 Summit Rd	Ashland	WI		54806	Director	Security State Bank	Hwy2 PO Box 157	Iron River	WI	54847	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Bretting	David	4101 Summit Rd	Ashland	WI		54806	Director	Security State Bank	Hwy2 PO Box 157	Iron River	WI	54847	10.00	10.00	Quality/ing Contrib
dup		#####	Capacio	Dennis	W9498 Hwy. 8	Cambridge	WI		53525						5.00	5.00	Quality/ing Contrib	
dup		#####	Capacio	Dennis	W9498 Hwy8	Cambridge	WI		53523		Stephens on National Bank & Trust	1820 Hall Ave	Marinette	WI	54143	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Carlson	Perry	1258 Hockridge St	Marinette	WI		54143	Loan Officer	Stephens on National Bank & Trust	1820 Hall Ave	Marinette	WI	54143	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Carlson	Perry	1258 Hockridge St	Marinette	WI		54143	Loan Officer	Stephens on National Bank & Trust	1820 Hall Ave	Marinette	WI	54143	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Cramer	Robert	4821 Woodburn Dr	Madison	WI		53711	Director	Community Business Bank	1111 Sycamore St	Sauk City	WI	53583	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Cramer	Robert	4821 Woodburn Dr	Madison	WI		53711	Director	Community Business Bank	1111 Sycamore St	Sauk City	WI	53583	10.00	10.00	Quality/ing Contrib
dup	0900017	#####	Domanik	Joeseeph	6801 S 68th St	Franklin	WI		53132	Vice President	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	10.00	20.00	Seed Money
dup	0900017	#####	Domanik	Joeseeph	6801 S 68th St	Franklin	WI		53132	Vice President	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	10.00	20.00	Seed Money
dup	0900017	#####	Dorenbos	Pamela	12282 W. Shadwell Circle	Franklin	WI		53132	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	10.00	20.00	Seed Money
dup	0900017	#####	Dorenbos	Pamela	12282 W. Shadwell Circle	Franklin	WI		53132	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	10.00	20.00	Seed Money
dup	0900017	#####	Durant	Karl	600 Country Club Rd	Green Bay	WI		54313	Senior VicePresident	Associate d Bank	200 N. Adams St	Green Bay	WI	53401	10.00	20.00	Seed Money
dup	0900017	#####	Durant	Karl	600 Country Club Rd	Green Bay	WI		54313	Senior VicePresident	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money

dup	0900017	#####	Engel	James	3227 W. Ranch Rd	Mequon	WI	53092	Senior VicePresident	Associate d Bank	112 N. Adams St	Green Bay	WI	54301	20.00	40.00	Seed Money
dup	0900017	#####	Engel	James	3227 W. Ranch Rd	Mequon	WI	53092	Senior VicePresident	Associate d Bank	112 N. Adams St	Green Bay	WI	54301	20.00	40.00	Seed Money
dup		#####	Enright	Gerald	14860 W. Oklahoma Ave	New Berlin	WI	53151						5.00	10.00	Qualifyi ng Contrib	
dup		#####	Enright	Gerald	14860 W. Oklahoma Ave	New Berlin	WI	53151						5.00	10.00	Qualifyi ng Contrib	
dup	0900017	#####	Frank	David	8040 Meadowcreek Ct	Franklin	WI	53132	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Frank	David	8040 Meadowcreek Ct	Franklin	WI	53132	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Frank	David	8040 Meadowcreek Ct	Franklin	WI	53132	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Hanson	Robert	13428 Cty Hwy Q	Bloomer	WI	54724	Director	Peoples State Bank of Bloomer	1401 Main Street	Bloomer	WI	54724	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Hanson	Robert	13428 Cty Hwy Q	Bloomer	WI	54724	Director	Peoples State Bank of Bloomer	1401 Main Street	Bloomer	WI	54724	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Hanson	Robert	13428 Cty Hwy Q	Bloomer	WI	54724	Director	Peoples State Bank of Bloomer	1401 Main Street	Bloomer	WI	54724	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Haven	Margaret	2781 Taurus Rd	Green Bay	WI	54311	Manager	Bank Mutual	4949 W. Brown Deer RD	Milwauk ee	WI	53223	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Haven	Margaret	2781 Taurus Rd	Green Bay	WI	54311	Manager	Bank Mutual	4949 W. Brown Deer RD	Milwauk ee	WI	53223	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Haven	Margaret	2781 Taurus Rd	Green Bay	WI	54311	Manager	Bank Mutual	4949 W. Brown Deer RD	Milwauk ee	WI	53223	10.00	10.00	Qualifyi ng Contrib
dup		#####	Henkel	Jenny	4018 CO Hwy H	Laona	WI	54541						5.00	5.00	Qualifyi ng Contrib	
dup		#####	Henkel	Jenny	4018 CO Hwy H	Laona	WI	54541						5.00	5.00	Qualifyi ng Contrib	
dup		#####	Henkel	Jenny	4018 CO Hwy H	Laona	WI	54541						5.00	5.00	Qualifyi ng Contrib	
dup	0900017	#####	Herdeman	Kenneth	1518 Chestnut St	Milwaukee	WI	53172	Banker	Banker's Bank	7700 Mineral Point Rd	Madison	WI	53717	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Herdeman	Kenneth	1518 Chestnut St	Milwaukee	WI	53172	Banker	Banker's Bank	7700 Mineral Point Rd	Madison	WI	53717	10.00	10.00	Qualifyi ng Contrib
dup	0900017	#####	Herdeman	Kenneth	1518 Chestnut St	Milwaukee	WI	53172	Banker	Banker's Bank	7700 Mineral Point Rd	Madison	WI	53717	10.00	10.00	Qualifyi ng Contrib

dup	0900017	#####	Higley	William	101 15th Ave	Menominee	WI	49858	Director	Stephens on National Bank & Trust	1820 Hall Ave	Marquette	WI	54143	10.00	20.00	Seed Money
dup	0900017	#####	Higley	William	10115th Ave	Menominee	MI	49858	Director	Stephens on National Bank & Trust	1820 Hall Ave	Marquette	WI	54143	10.00	20.00	Seed Money
dup	0900017	#####	Hildner	Michael	2367 Hopf Lane	DePere	WI	54115	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	10.00	Contrib
dup	0900017	#####	Hildner	Michael	2367 Hopf Lane	De Pere	WI	54115	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	10.00	Contrib
dup	0900017	#####	Horze	Corey	11021 W. Sanctuary Drive	Milwaukee	WI	53224	Banker	Associate d Bank	401 E. Kilbourne	Milwaukee	WI	53202	10.00	10.00	Contrib
dup	0900017	#####	Horze	Corey	11021 W. Sanctuary Drive	Milwaukee	WI	53224	Banker	Associate d Bank	401 E. Kilbourne	Milwaukee	WI	53202	10.00	10.00	Contrib
dup	0900017	#####	Hoze	Corey	11021 W. Sanctuary Drive	Milwaukee	WI	53224	Banker	Associate d Bank	401 E. Kilbourne	Milwaukee	WI	53202	10.00	10.00	Contrib
dup	0900017	#####	Johnson	Ryan	804 Edgemoore Drive	Sun Prairie	WI	53590	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money
dup	0900017	#####	Johnson	Ryan	804 Edgemoore Drive	Sun Prairie	WI	53590	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money
dup	0900017	#####	Johnson	Ryan	804 Edgemoore Drive	Sun Prairie	WI	53590	Banker	Associate d Bank	200 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money
dup	0900017	#####	Johnston	Roger	W/19457031 Hillendale Dr	Muskego	WI	53150					WI		5.00	5.00	Contrib
dup	0900017	#####	Johnston	Roger	W/19457031 Hillendale Dr	Muskego	WI	53150					WI		5.00	5.00	Contrib
dup	0900017	#####	Johnston	Roger	W/19457031 Hillendale Dr	Muskego	WI	53150					WI		5.00	5.00	Contrib
dup	0900017	#####	Klaffenboec	Walter	1637 W. Thrush Ln	Mequon	WI	53092					WI		5.00	5.00	Contrib
dup	0900017	#####	Klaffenboec	Walter	1637 W. Thrush Ln	Mequon	WI	53092					WI		5.00	5.00	Contrib
dup	0900017	#####	Klaffenboec	Walter	1637 W. Thrush Lane	Mequon	WI	53092					WI		5.00	5.00	Contrib
dup	0900017	#####	Koenig	Mark	4922 Neumann Lane	Burlington	WI	53105	Banker	North Shore Bank	15700 W. Bluemount d Rd	Brookfield	WI	53005	10.00	10.00	Contrib
dup	0900017	#####	Koenig	Mark	4922 Neumann Lane	Burlington	WI	53105	Banker	North Shore Bank	15700 W. Bluemount d Rd	Brookfield	WI	53005	10.00	10.00	Contrib
dup	0900017	#####	Koenig	Mark	4922 Neumann Lane	Burlington	WI	53105	Banker	North Shore Bank	15700 W. Bluemount d Rd	Brookfield	WI	53005	10.00	10.00	Contrib
dup	0900017	#####	Komro	Carole	W/2328 Highland Drive	Durand	WI	54736	Director	Security National Bank	212 W. Prospect St	Durand	WI	54736	10.00	10.00	Contrib
dup	0900017	#####	Komro	Carole	W/2328 Highland Drive	Durand	WI	54736	Director	Security National Bank	212 W. Prospect St	Durand	WI	54736	10.00	10.00	Contrib
dup	0900017	#####	Komro	Carole	W/2328 Highland Drive	Durand	WI	54736	Director	Security National Bank	212 W. Prospect St	Durand	WI	54736	10.00	10.00	Contrib

dup	0900017	#####	Korb	Deborah	112 N. Adams St	Green Bay	WI	54301	Vice President	Associate d Bank	112 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money
dup	0900017	#####	Korb	Deborah	112 N. Adams St	Green Bay	WI	54301	Vice President	Associate d Bank	112 N. Adams St	Green Bay	WI	54301	10.00	20.00	Seed Money
dup	0900017	#####	Kammer	Edward	3694 E. Dyreson Rd	McFarland	WI	53558	Director	McFarland State Bank	5990 Hwy 51	McFarland	WI	53558	10.00	20.00	Seed Money
dup	0900017	#####	Kammer	Edward	3694 E. Dyreson Rd	McFarland	WI	53558	Director	McFarland State Bank	5990 Hwy 51	McFarland	WI	53558	10.00	20.00	Seed Money
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Lettau	Rick	W17008 N Branch Rd	Writenberg	WI	54498					WI		5.00	15.00	Qualifying Contribution
dup	0900017	#####	Linehan	Patsy	1024 River Drive	River Falls	WI	54022	Banker	Security National Bank	212 W. Prospect St	Durand	WI	54736	10.00	10.00	Qualifying Contribution
dup	0900017	#####	Linehan	Patsy	1024 River Drive	River Falls	WI	54022	Banker	Security National Bank	212 W. Prospect St	Durand	WI	54736	10.00	10.00	Qualifying Contribution
dup	0900017	#####	Logemann	Cari	4052 Crestwood Dr	Wausau	WI	54403					WI		7.50	7.50	Qualifying Contribution
dup	0900017	#####	Logemann	Cari	4052 Crestwood Dr	Wausau	WI	54403					WI		7.50	7.50	Qualifying Contribution
dup	0900017	#####	Logemann	Cari	4052 Crestwood Dr	Wausau	WI	54403					WI		7.50	7.50	Qualifying Contribution
dup	0900017	#####	Logemann	Cari	4052 Crestwood Dr	Wausau	WI	54403					WI		7.50	7.50	Qualifying Contribution
dup	0900017	#####	Lowe	Mary	928 S 91st St	West Allis	WI	53214	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	25.00	25.00	Seed Money
dup	0900017	#####	Lowe	Mary	928 S 91st St	West Allis	WI	53214	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	25.00	25.00	Seed Money
dup	0900017	#####	Lowe	Mary	928 S 91st St	West Allis	WI	53214	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	25.00	25.00	Seed Money
dup	0900017	#####	Lowe	Mary	928 S 91st St	West Allis	WI	53214	Banker	Tri City National Bank	6400 S. 27th St	Oak Creek	WI	53154	25.00	25.00	Seed Money
dup	0900017	#####	Mahoney	Thomas	8108 42nd Ave	Kenosha	WI	53142	President	Johnson Financial Group	555 Main St	Racine	WI	53402	10.00	10.00	Qualifying Contribution

dup	0900017	#####	Mahoney	Thomas	8108 42nd Ave	Kenosha	WI	53142	President	Johnson Financial Group	555 Main St	Racine	WI	53402	10.00	10.00	Qualifyi ng Contrib ution
dup		#####	Miron	David	N7350 Right of Way Rd.	Chvitz	WI	54114							7.50	7.50	Qualifyi ng Contrib ution
dup		#####	Miron	David	N7350 Right of Way Rd.	Chvitz	WI	54114							7.50	7.50	Qualifyi ng Contrib ution
dup		#####	Miron	Julie	N7350 Right of Way Rd.	Chvitz	WI	54114							7.50	7.50	Qualifyi ng Contrib ution
dup		#####	Miron	Julie	N7350 Right of Way Rd.	Chvitz	WI	54114							7.50	7.50	Qualifyi ng Contrib ution

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

January 11, 2011

Delivered by email to Melissa@mmulliken.com

Ms. JoAnne Kloppenburg
2318 Rowley Avenue
Madison WI 53726

Dear Ms. Kloppenburg:

This correspondence certifies that your campaign's application requesting public financing from the Democracy Trust Fund has been approved. This certification, and release of public funds for use in the campaign for the 2011 Spring Primary, are contingent upon the Board certifying your candidacy for ballot access at its meeting on January 13, 2011.

Review of the campaign finance report filed with your application has determined that some items require correction or completion, as noted on the enclosed spreadsheet. First, because your campaign accepted excess qualifying contributions, the amount of \$3,884.50 must be transferred to the Government Accountability Board to be deposited into the Democracy Trust Fund. Your campaign must submit a check to this office made payable to Government Accountability Board and directed to the attention of Richard Bohringer by the close of business on **January 17, 2011**.

The enclosed spreadsheet also lists a number of contributions for which the contributor information is incomplete because it does not list either a full name or full home address as required by Wisconsin Statutes. Additional contributions are listed because they appear to be duplicate entries. The Board is requesting that your campaign provide complete and accurate information regarding these contributions no later than **January 25, 2011**. In the event that these items are not corrected by that date, the Board reserves the right to pursue penalties as described in Sections 11.517 and 11.518, Wis. Stats. If the additional contributions result in an increase in the excess contributions accepted by the campaign, the additional amount will also need to be promptly forwarded to the Board.

If you have any questions regarding compliance with these requirements, please feel free to contact Lead Campaign Auditor Richard Bohringer at 608-267-7735, or Richard.Bohringer@wi.gov.

Please note that when public financing grants are issued, the State Treasurer will wire the total amount of the base grant and any supplemental grants to your campaign's depository account, as the Treasurer's office is unable to establish and administer a line of credit, as described in the Impartial Justice Act. Therefore, your campaign will be responsible for returning any unused public funds after the Spring Primary Election, or for candidates that progress to the April Spring Election, upon completion of that campaign.

If you or a representative of your campaign have any additional questions regarding this determination, please feel free to contact me at 608-266-0136, or at Michael.haas@wi.gov. You are also welcome to appear at the Board meeting this Thursday at 10:00 a.m. if you wish to offer any comments regarding this decision.

GOVERNMENT ACCOUNTABILITY BOARD

A handwritten signature in cursive script that reads "Michael Haas".

Michael R. Haas
Staff Counsel

Enclosure

JoAnne KlOppenburg 105065

Summary of DTF Qualification
 # Qualifying Contribution 1,204
 Reported Minimum Maximum
 1,204 1,000

Amount of Qualifying Contribution \$18,884.50
 Amount of Seed Money \$5,000
 Amount of Contribution \$15,000

amount that needs to be donated to DTF = \$3,884.50 plus amounts

Entries needing attention:
 These entries have not been included in the totals above, but could be added once the highlighted field is corrected.

PO Box	DATE	LAST NAME	FIRST NAME	ADDRESS	CITY	ST.	ZIP	OCCUPATION/TITLE	EMPLOYER NAME	EMPLOYER ADDRESS	EMPLOYER CITY	EMPLOYER STATE	EMPLOYER ZIP CODE	AMOUNT	YTD
PO Box	12/12/2010	Bernardoni	Robert J.	PO Box 153	Darlington	WI	53530-0153	Physician	Self					\$5.00	\$5.00
PO Box	12/28/2010	Curtner	Kathryn	PO Box 129	Brooklyn	WI	53521-0129	retired	N/A					\$10.00	\$10.00
PO Box	12/23/2010	Deda	David	PO Box 74	Phillips,	WI	54555-0074	Attorney District	Slaby, Deda, Marshall & Reinhard LLP	PO Box 74	Phillips,	WI	54555-0074	\$100.00	\$100.00
PO Box	12/12/2010	Doherty	Charlotte L.	PO Box 153	Darlington	WI	53530-0153	Attorney	State of WI					\$50.00	\$50.00
PO Box	12/27/2010	Eagan	David	3020	Madison	WI	53704-0020							\$5.00	\$5.00
PO Box	12/27/2010	Evans	Betty	PO Box 384	Windsor	WI	53598-0384							\$10.00	\$10.00
PO Box	12/21/2010	Godfrey	Eric P	PO Box 75	Ripon	WI	54971-0075	educator	retired					\$10.00	\$10.00
PO Box	12/30/2010	Hansotia	Phiroze	PO Box 168	Ellison Bay	WI	54210-0168							\$25.00	\$25.00
PO Box	12/27/2010	Harnisch	Thomas	PO Box 65	Nellisville	WI	54456-0065							\$25.00	\$25.00
PO Box	12/28/2010	Korb	Joan	PO Box 410	Egg Harbor	WI	54209-0410	Attorney	State of	PO Box 410	Egg Harbor	WI	54209-0410	\$100.00	\$100.00
PO Box	12/24/2010	Krause	John	PO Box 496	Germanatown	WI	53022-0496							\$25.00	\$25.00
PO Box	12/30/2010	Lintula	Margaret	PO Box 136	Drummond	WI	54832-0136							\$10.00	\$10.00
PO Box	12/23/2010	Marx	John	PO Box 971	Madison	WI	53701-0971							\$15.00	\$15.00
PO Box	12/29/2010	Nielsen	Dan	PO Box 143f	Racine,	WI	53401-1435	Attorney	WEREC	PO Box	Racine,	WI	53401-1375	\$100.00	\$100.00
PO Box	12/21/2010	Ohnstad	Charlene	PO Box 365	Black Earth	WI	53515-0365	retired	N/A					\$50.00	\$50.00

The following transactions have been included in the totals, but appear that they may possibly be duplicated entries.

	DATE	LAST NAME	FIRST NAME	ADDRESS	CITY	ST	ZIP	OCCUPATI ON TITLE	EMPLOYER NAME	EMPLOYER ADDRESS	EMPLOYER CITY	EMPLOYER STATE	EMPLOYER ZIP CODE	AMOUNT	YTD
				E8013 County Road C E8013	North Freedom	WI		Water Supply Spec.	State of Wisconsin					\$50.00	\$50.00
dup	12/29/2010	Voltrath	Mike	County Road C E8013	North Freedom	WI		Water Supply Spec.	State of Wisconsin					\$50.00	\$50.00
dup	12/29/2010	Voltrath	Mike	County Road C	North Freedom	WI		Supply Spec.	State of Wisconsin					\$50.00	\$50.00
dup	12/29/2010	Mackesey	Erin	1914 Rowley Avenue	Madison	WI		HR Manager	Lands' End					\$10.00	\$10.00
dup	12/29/2010	Mackesey	Erin	1914 Rowley Avenue	Madison	WI		HR Manager	Lands' End					\$10.00	\$10.00
dup	12/29/2010	Mackesey	Erin	Avenue	Madison	WI		HR Manager	Lands' End					\$10.00	\$10.00
dup	12/29/2010	Levine	Steven	5010 Buffalo Trail	Madison	WI		lawyer	Wis. Public Service Com					\$5.00	\$5.00
dup	12/27/2010	Levine	Steven	5010 Buffalo Trail	Madison	WI		lawyer	Wis. Public Service Com					\$5.00	\$5.00
dup	12/29/2010	Dix	Deborah	2504 Town Line Road	Stevens Point	WI								\$10.00	\$10.00
dup	12/29/2010	Dix	Deborah	2504 Town Line Road	Stevens Point	WI								\$10.00	\$10.00
dup	12/29/2010	Dix	Deborah	2504 Town Line Road	Stevens Point	WI								\$5.00	\$5.00
dup	12/29/2010	Dix	Robert	2504 Town Line Road	Stevens Point	WI								\$10.00	\$10.00
dup	12/27/2010	Bowles	Dean	1403 Joyce Road	Monona	WI								\$12.50	\$12.50
dup	12/27/2010	Bowles	Dean	1403 Joyce Road	Monona	WI								\$12.50	\$12.50
dup	12/27/2010	Bowles	Dean	1403 Joyce Road	Monona	WI								\$12.50	\$12.50

The following transactions have not been included in the totals because they were accepted in violation of the restriction on WI contributors - All have been returned to the contributors

state	12/26/2010	Skian	Jackie	2296	Merrick	NY		Account	Ganz					\$25.00	\$25.00
state	12/30/2010	Schlinger	Robin	6145 98th	Rego Park	NY		CFO	American					\$15.00	\$15.00
state	12/27/2010	Rosin	Cooper	612 2345 N	Chapel Hill	NC		Student	Duke					\$10.00	\$10.00
state	12/20/2010	Muller	Scott	Geneva Terrace	Chicago	IL		Researcher	University of Illinois					\$5.00	\$5.00
state	12/21/2010	Jackson	Gregory	5204 Clear Spring Drive 38 Pitts	Minnetonka	MN		student	uw-madison					\$10.00	\$10.00
state	12/28/2010	Delapapa	Ken	Street	Natick	MA		engineer	Bose Corp.					\$25.00	\$25.00

State	Over Limit	Date	Name	Address	City	State	Phone	Occupation	Organization	Street	City	State	Phone	Amount 1	Amount 2
				813 E Baseline Road	Lafayette	CO	80026-2446	student	University of Denver Law School	1 S				\$15.00	\$15.00
		12/14/2010	Armstrong Rachel	2847 Centun Middleton,	WI	53562-1826	attorney	Boardman Law Firm	Pinckney Street	Madison,	WI	53703-4256	\$100.00	\$200.00	

State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

January 11, 2011

Delivered by email to winniglaw@tds.net

Mr. Joel Winnig
455 County Road M Suite 200
Madison WI 53719

Dear Mr. Winnig:

As we have discussed, Board staff has reviewed your campaign's application requesting public financing from the Democracy Trust Fund, and a decision regarding that application has been deferred to a meeting of the Government Accountability Board on January 13, 2011. I am separately providing a memorandum outlining the staff's recommendation that your application be approved which will be presented for the Board's consideration.

In the event that your application is approved by the Board, the enclosed spreadsheet identifies several contributions for which either a full name or correct zip code needs to be provided as required by Wisconsin Statutes. If your campaign participates in the Democracy Trust Fund, the Board is requesting that your campaign provide complete and accurate information no later than **January 25, 2011**. In the event that these items are not corrected by that date, the Board reserves the right to pursue penalties as described in Sections 11.517 and 11.518, Wis. Stats.

If you have any questions regarding compliance with these requirements, please feel free to contact Lead Campaign Auditor Richard Bohringer at 608-267-7735, or Richard.Bohringer@wi.gov.

Please note that when public financing grants are issued, the State Treasurer will wire the total amount of the base grant and any supplemental grants to the campaign's depository account, as the Treasurer's office is unable to establish and administer a line of credit, as described in the Impartial Justice Act. Therefore, your campaign will be responsible for returning any unused public funds after the Spring Primary Election, or for candidates that progress to the April Spring Election, upon completion of that campaign.

If you or a representative of your campaign have any additional questions regarding this correspondence, please feel free to contact me at 608-266-0136, or at Michael.haas@wi.gov. You are also welcome to appear at the Board meeting this Thursday at 10:00 a.m. if you wish to offer any comments regarding this decision. Thank you for your attention to this matter.

GOVERNMENT ACCOUNTABILITY BOARD

A handwritten signature in black ink that reads "Michael Haas". The signature is written in a cursive style with a large, stylized initial "M".

Michael R. Haas
Staff Counsel

Enclosure

Joel Winnig 102802

Summary of DTF Qualifications:

Qualifications:	Reported	Minimum	Maximum
# Qualifying Contributions	1044*	1,000	

Amount of Qualifying Contributions	\$7,965*	\$5,000	\$15,000
Amount of Seed Money	\$2,500		\$5,000

* There is no way to identify cash contributions in excess of \$500 limit

Entries needing attention:

DATE	LASTNAME	FIRSTNAME	ADDRESS	CITY	STATE	ZIP	PARTY	PROVERNY	GOVERN	ADDITIONAL	AMOUNT	AMOUNT	AMOUNT	COMMENTS									
12/27/2006	Kraft	D. J.	1222 Pippil Meduon	WI	WI	53092	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.00	5.00	5.00	
10/11/2006	Silgen	Ann	3115 Harla Fichburg	WI	WI	15371	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.00	5.00	5.00	
12/27/2006	Drew	Mike	4141 N. Ar Shorewood	WI	WI	55211	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.00	5.00	5.00	
12/27/2006	Hanson-Di	Alice	4141 N. Ar Shorewood	WI	WI	55211	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.00	5.00	5.00	

These entries have not been included in the totals above, but could be added once the highlighted field is corrected

The following transactions have not been included in the totals because they were accepted in violation of the restriction on WI contributors - All have been returned to the contributors.

DATE	LASTNAME	FIRSTNAME	ADDRESS	CITY	STATE	ZIP	PARTY	PROVERNY	GOVERN	ADDITIONAL	AMOUNT	AMOUNT	AMOUNT	COMMENTS									
10/3/2006	Lewis	Cort	1075 Saxd Highland Fl	FL	FL	60035	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100.00	100.00	100.00	Returned to Contributor
11/22/2006	Harris	David	6360 Cand Memphis TN	TN	TN	38119	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	45.00	45.00	90.00	Returned to Contributor
11/10/2006	Harris	David	6360 Cand Memphis TN	TN	TN	38119	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	45.00	45.00	90.00	Accidently donated twice, returned to
11/17/2006	Grossman	Ken	6 Bayshord Margate NJ	NJ	NJ	08402	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.00	5.00	5.00	Returned to Contributor
11/25/2006	Depper	Bruce	11 Puritan Swampscd MA	MA	MA	01907	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100.00	100.00	100.00	Returned to Contributor

295.00