

Meeting of the Board

Monday, August 10, 2009 - 9:30 A.M.

Agenda

Open Session

Government Accountability Board Conference Room

212 East Washington Avenue, Third Floor

Madison, Wisconsin

Monday, August 10, 2009

9:30 A.M.

- A. Call to Order**
- B. Director's Report of Appropriate Meeting Notice**
- C. Approval of Minutes of Previous Meetings**
 - 1. June 22, 2009 Meeting – Open Session**
 - 2. July 1, 2009 Meeting – Open Session**

D. Public Comment

Break

E. Proposed State Election Administration Plan

F. Proposed Guidelines

- 1. Charitable solicitations, GAB 231**
- 2. Public service announcements, GAB 245**
- 3. Campaign fundraising, GAB 249**
- 4. Campaign contributions, GAB 250**

G. Legislation

- 1. Legislative Status Report**

H. Administrative Rules

- 1. Status Report on Administrative Rule Defining Scope of Regulated Activity, GAB 1.28 (Issue Ad Regulation)**
- 2. GAB Chapter 1, Campaign Finance - Scope Statement for Proposed Corrections**
- 3. GAB Chapter 4, Election Observers, Scope Statement**
- 4. GAB Chapter 22 – Proposed Settlement Offer Schedule**
- 5. Chapter 13 – Training of Election Officials**
- 6. Status Report on Pending Administrative Rules**

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.

Agenda

I. Report on July Continuing Report Campaign Finance Filings

J. Director's Report

Elections Division Report – election administration

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

Office of General Counsel Report – general administration

K. Proposed 2010 Board Meeting Schedule

Break

L. Closed Session

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

The Government Accountability Board has scheduled its next meeting for Monday, October 5, 2009 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:30 a.m.

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

ITEM C

Approval of Minutes of
Previous Meetings

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD

212 East Washington Avenue, Third Floor

Madison, Wisconsin

June 22, 2009

9:30 a.m.

DRAFT

Not yet approved
by the Board

Open Session Minutes

Monday, June 22, 2009

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved Wisconsin's Draft 2009-2014 Election Administration Plan for submission to Joint Committee on Finance and public comment, and authorized staff to apply for the FFY-2009 Requirements Payments.	3
B. Approved Manuals outlining procedures for recall elections.	3
C. Approved recall of GAB 1.28 (Issue Ad Regulation) from Legislature.	3
D. Directed staff to initiate rulemaking to amend GAB 6.02 – Registration Statement Sufficiency and GAB 6.04 – Filing Agency Documents Electronically.	4

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

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

A. Call to order

Chairperson Brennan called the meeting to order at 9:40 a.m.

Chairperson Brennan welcomed new Board member Judge Thomas Barland

B. Director's Report of Appropriate Notice of Meeting

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

C. Approval of Minutes of Previous Meeting

MOTION: Approve the minutes of the May 5, 2009, Government Accountability Board meeting. Moved by Judge Myse, seconded by Judge Cane. Motion carried 6-0.

D. Public Comment

1. **Charlotte Rasmussen**, appeared on behalf of the Wisconsin Federation of Republican Women to request that the number of registered special registration deputies (SRD) for the previous election be provided to her via e-mail or mail.
2. **Ardis Cerny**, Pewaukee, appeared on behalf of the Wisconsin Federation of Republican Women to comment about residency requirements to become an eligible voter in Wisconsin and her desire to increase the length of residency from 10 days to at least 30 days in order to maintain the integrity of our elections.
3. **Barbara Burton**, appeared on behalf of the Wisconsin Federation of Republican Women to comment about early voting in Wisconsin and where the state is going with regards to implementing an early voting system. She questioned whether implementing early voting in Wisconsin will do away with absentee voting. She raised concerns about voting security, the integrity of same day voter registration, and costs of implementing early voting locations.
4. **Jane Carpenter**, appeared on behalf of the Wisconsin Federation of Republican Women to comment about voter fraud. She asked the Board if sufficient mechanisms are in place to prevent voter fraud while still allowing a positive voting experience for the voter. She commented about the need for clarifying what residency means and expressed concern about online, over the phone and by mail voting methods. She stated that voters can trust the system if it is made simple and clear.
5. **Deborah Ann Speakman**, Madison, appeared to comment about poll worker training and the election manual. Ms. Speakman suggested that at least once a year before a person becomes a chief inspector that the person completes a test to become certified as a chief election inspector. She feels there is a wealth of knowledge that the inspector needs to know to properly run a poll and a test is the only way to ensure the people working at the polls know the rules and regulations related to polling place procedures.
6. **Paul Malischke**, appeared to comment about the draft of Wisconsin's Election Administration Plan. He commented on concerns about ensuring the integrity of the overall voting process. He provided suggestions on how to improve the integrity of the voting process and election results. He requested that the Board have a Technical Advisory Committee advising it on technical issues for voting equipment and software.
7. **Andrea Kaminski**, Madison, appeared on behalf of the League of Women Voters to comment about the early voting work being done by the G.A.B. and to praise the

work being done by the Wisconsin Election Administration Council (WI-EAC) and staff regarding the development of the State's 2009-2014 Draft Election Administration Plan. She thanked the Board for the opportunity to serve on the WI-EAC.

The Chairman called a recess at 10:45 a.m. and the meeting reconvened at 11:04 a.m.

H. Administrative Rules
(Presented by Shane Falk)

1. Recall Proposed Modification to Administrative Rule Defining Scope of Regulated Activity, GAB 1.28 (Issue Add Regulation)

MOTION: Pursuant to §227.19(4)(b)3m, Wis. Stats., direct staff to recall GAB 1.28 from the Legislature. Moved by Judge Myse, seconded by Judge Nichol. Motion carried unanimously.

MOTION: Board members decline to accept the per diem payment for a Board meeting in fiscal year 2010 in recognition of the state's economically strained financial situation. Moved by Judge Myse and seconded by Judge Eich. Motion carried unanimously.

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

Nathaniel E. Robinson made a presentation to the Board on the Draft 2009-2014 Wisconsin Election Administration Plan. The Plan provides a vision for election administration in Wisconsin over the next five years. Administrator Robinson and David Buerger answered questions pertaining to the Plan. Board members noted that the Plan should clarify the ideas presented are for future examination, exploration and study before any implementation decisions are considered.

MOTION: To approve the Draft Wisconsin 2009-2014 Election Administration Plan for submission to the Joint Committee on Finance, and to seek public comment, and to authorize staff to apply for the FFY-2009 Requirements Payments. Moved by Judge Myse, seconded by Judge Cane. Motion carried unanimously.

The Chairman called a recess for lunch at 12:20 p.m. and the meeting reconvened at 12:48 p.m.

F. Revised Recall Manuals
(Presented by Shane Falk)

Shane Falk made a presentation to the Board of a draft of two revised recall election manuals, and answered questions pertaining to the content and format of each manual.

MOTION: To approve the two election recall manuals pending modifications to make clear the specific offices to which each manual applies and to make mutual references to

the companion manuals more prominent. Moved by Judge Nichol, seconded by Judge Eich. Motion carried unanimously.

G. Legislative Status Report
(Presented by Kevin Kennedy)

Kevin Kennedy led a discussion related to the State Senate's proposed budget that removes the sum sufficient funding source for G.A.B. investigations.

MOTION: To authorize staff to prepare a letter for the Board Members' signatures to send to all members of the Legislature and the Governor asking them to restore the sum sufficient funding source for G.A.B. investigations. Moved by Judge Cane, seconded by Judge Myse. Motion carried unanimously.

The Legislative Status Report was received for information, with discussion led by Kevin Kennedy and Jonathan Becker. No action was taken by the Board.

H. Administrative Rules
(Presented by Shane Falk and Michael Haas)

2. Proposed Scope Statement, GAB 6.02 – Registration Statement Sufficiency

MOTION: Pursuant to §§5.05(1)(f) and (c), and 227.11(2)(a), Wis. Stats., approve the Statement of Scope, and direct staff to proceed with promulgation of amendments to G.A.B. 6.02. Moved by Judge Brennan, seconded by Judge Eich. Motion carried unanimously.

3. Proposed Scope Statement, GAB 6.04 – Filing Agency Documents Electronically

MOTION: Pursuant to §§5.05(1)(f) and (c), and 227.11(2)(a), Wis. Stats., approve the proposed Statement of Scope, and direct staff to proceed with promulgation to amendments to G.A.B. 6.04. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

4. Status Report on Pending Administrative Rules

This Status Report was presented for informational purposes. No action was taken by the Board.

I. Director's Report

1. Elections Division Report
(Presented by Nathaniel E. Robinson)

The report was presented for informational purposes. No Board action was taken.

2. Ethics and Accountability Division Report
(Presented by Jonathan Becker)

The report was presented for informational purposes. No Board action was taken.

3. Office of the Director and General Counsel Report
(Presented by Kevin Kennedy and Sharrie Hauge)

The report was presented for informational purposes. No Board action was taken.

J. 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), and 19.851, Wis. Stats., to consider written requests for advisory opinions, and to deliberate concerning the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and ethics law. Moved by Judge Eich, seconded by Judge Cane.

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

Motion carried.

MOTION: Move to closed session pursuant to §19.85(1)(g) Wis. Stats.,to confer with legal counsel concerning litigation strategy. Moved by Judge Eich, seconded by Judge Nichol.

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

Motion carried.

MOTION: Move to closed session pursuant to §19.85(1)(c) Wis. Stats.,to consider performance evaluation data of a public employee of the Board. Moved by Judge Eich, seconded by Judge Nichol.

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

Motion carried.

Hearing no objection, the Chairman called a recess at 2:30 p.m. The Board reconvened in closed session beginning at 2:50 p.m.

Summary of Significant Actions Taken in Closed Session

- A. Requests for Advice: Two matters considered; one formal opinion issued.
- B. Investigations:

Eight pending matters considered; two closed: Holperin for Senate, and Jim Holperin.
Four new matters considered; three investigations authorized.
- C. Eight campaign finance matters considered and lawsuits authorized by Board.

###

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Monday, August 10, 2009 in the G.A.B. Conference Room, Third Floor, 212 East Washington Avenue, Madison, Wisconsin.

June 22, 2009 Government Accountability Board meeting minutes prepared by:

Tommy Winkler Jr.

June 24, 2009

Tommy Winkler Jr., Ethics Specialist

Date

June 22, 2009 Government Accountability Board meeting minutes certified by:

August 10, 2009

Judge Gerald Nichol, Board Secretary

Date

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD

212 East Washington Avenue, Third Floor

Madison, Wisconsin

July 1, 2009

3:30 p.m.

DRAFT

Not yet approved
by the Board

Open Session Minutes

- Present:** Judge Gerald Nichol
- Participating via Teleconference:** Judge Michael Brennan, Judge William Eich, Judge Thomas Barland, Judge Gordon Myse, and Judge Thomas Cane
- Staff present:** Kevin Kennedy, Jonathan Becker, Nat Robinson, Michael Haas, Sharrie Hauge, Kyle Brown Tracey Porter, and Tommy Winkler

A. Call to Order

Judge Michael Brennan called the meeting to order at 3:34 p.m.

B. Director's Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy confirmed that proper meeting notice was given. Record reflects those present and those participating by teleconference.

C. Status Report Regarding State Budget

Director Kevin Kennedy gave an oral report to the Board on the status of the 2009-2010 budget. No formal action was taken by the Board.

D. Update Regarding *Citizens United v. Federal Election Commission* and Recall of Proposed Modification to Administrative Rule Defining Scope of Regulated Activity, GAB 1.28 (Issue Ad Regulation)

Director Kennedy gave an oral report to the Board on the status of *Citizens United v. Federal Election Commission* and its impact on the Board's recall of GAB 1.28. No formal action was taken by the Board.

E. Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's ethics code, lobbying law, and campaign finance law, and to confer with counsel concerning litigation strategy.

MOTION: Move to closed session pursuant to Sections 19.85(1)(g) and 19.851, Wis. Stats., to deliberate concerning investigations of possible violations of Wisconsin's ethics code, lobbying law, and campaign finance law, and to confer with legal counsel concerning litigation strategy. Moved by Judge Eich, seconded by Judge Nichol.

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

Motion carried.

MOTION: To waive the per diem payment for Board members for today's teleconference meeting.

Moved by Judge Cane, seconded by Judge Nichol.

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

Open session adjourned at 3:45 p.m.

Summary of Significant Actions Taken in Closed Session

A. Investigations: Eight pending campaign finance matters considered.

###

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Monday, August 10, 2009 in the G.A.B. Conference Room, Third Floor, 212 East Washington Avenue, Madison, Wisconsin.

July 1, 2009, Government Accountability Board closed session minutes prepared by:



July 2, 2009

Tommy Winkler, Ethics Specialist

Date

July 1, 2009, Government Accountability Board closed session minutes certified by:

Judge Gerald Nichol, Board Secretary

August 10, 2009

Date

ITEM E

Proposed State Election Administration Plan

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009, Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Recommendation:
Adopt Wisconsin's 2009-2014 Election Administration Plan

Issue

Should the Government Accountability adopt Wisconsin's 2009-2014 Election Administration Draft Plan?

Background

The data-gathering phase for developing the 2009-2014 Election Administration Plan has been an ongoing and dynamic process since 2008. Throughout the 2008-2009 Election Cycle, staff regularly solicited and received feedback from:

- Wisconsin's 3.8 million eligible registered voters (our customers);
- 1,850 municipal clerks (our local election partners);
- 72 county clerks (also our local election partners);
- Other local and statewide election officials;
- Members of the Wisconsin Legislature;
- City Mayors (including the City of Milwaukee), and Town and Village Board Presidents;
- Other local and statewide elected representatives; and,
- The statutorily created Wisconsin Election Administration Council.

The Wisconsin Election Administration Council (WI-EAC) convened on April 16; June 17; and July 28, 2009, to advise on the development of the Draft Plan. On June 22, 2009, during its regular meeting, the Government Accountability Board reviewed a Synopsis of the Draft Plan and authorized its distribution to the Legislative Joint Committee on Finance (JCF), and the public for review and comment.

On June 26, 2009, a notice for public comments was posted both in the state newspaper and on the Board's website. The notice allowed a 30 day period for comments on the Draft Plan, or until July 27, 2009.

On June 29, 2009, the Elections Division Administrator began briefing individual JCF members and their respective staff, on the Plan. When the JCF briefings concluded on July 15, 2009, 15 of the 16 JCF members and/or their respective staff persons had been visited.

On July 20, 2009, the JCF was provided with an amendment to the Draft Plan. The amendment was written as enabling language designed to capture the impending Federal legislation, "Military and Overseas Voter Empowerment (MOVE) Act," s.1415, that is being considered by the United States Congress.

During its July 28, 2009, meeting, the WI-EAC took in-person public comments and considered both the in-person and written public comments before recommending to the Government Accountability Board, that the 2009-2014 Election Administration Plan be adopted. This meeting was covered by the following media: Wisconsin-Eye, a local TV/news station, and by an AP reporter.

Five of the six persons who provided in-person comments, also provided written comments. Twenty-seven persons provided written comments (one respondent submitted three different sets of comments at different times). Of the 27, 22 appear to be from individuals. The remaining five are from the following agencies and organizations: the League of Women Voters of Wisconsin; the U. S. Election Assistance Commission; the Brennan Center for Justice; the Wisconsin Towns Association; and, the Republican Party of Wisconsin.

The 71-page compilation of public comments and summary notes from the WI-EAC July 28, 2009, meeting are attached.

During its July 28, 2009, meeting, the WI-EAC considered the in-person and written comments, and made a decision as to what was to be incorporated and what was not. The WI-EAC recommended several editorial clarifications for improving the Draft Plan.

The only WI-EAC recommendation that is not included in the final version of the Plan is the insertion of a provision into the Plan that would commit the Board to examine whether the State should pass a Voter ID bill. It is staff's position that Voter ID legislation, which has failed to survive the legislative process three times in recent years, is not appropriate as a new initiative for the Plan.

As documented in Legislative Reference Bureau Brief 06-4, since the 2000 General and Presidential Election, legislation has been introduced in the Wisconsin Legislature to repeal the use of corroborators and require electors voting or registering at the polls on Election Day to provide a current driver's license, state identification card or military identification card. Three such bills passed both houses of the Legislature: 2003 Assembly Bill 111, 2005 Assembly Bill 63, and 2005 Senate Bill 42. Governor Jim Doyle vetoed all three of these bills based on his view that the legislation would lower voter turnout by disenfranchising many individuals who do not already have either a driver's license or state identification card.

The 2009-2014 Plan focuses on new initiatives and reforms that staff believes have a high probability of improving and advancing election administration in Wisconsin. Given the reality that voter identification proposals have been considered and rejected by the same policymakers who would need to enact such a requirement, it would not appear to be a productive use of Board resources to advance such a proposal as part of our five-year plan, absent a legislative directive to explore the topic. Of course, the Board would certainly seek to offer its expertise and assistance in analyzing any voter ID proposal that is considered by the Legislature, and would work to efficiently administer it if enacted.

Recommendation

Board staff recommends adoption of Wisconsin's 2009-2014 Election Administration Draft Plan.

Next Steps

- The JCF approval of the Plan is required (JCF Meeting Date To Be Determined).
- After approval by the JCF, the Plan will be submitted to the U.S. Election Assistance Commission for placement in Federal Register for 30 days (Date To Be Determined).
- The Wisconsin 2009-2014 Election Administration Plan becomes effective 30 days after appearing in the Federal Register (Date To Be Determined).

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Election Administration Council Meeting

212 East Washington Avenue, Madison
Third Floor, Board Room

Tuesday, July 28, 2009

Meeting Notes

WI-EAC Members Present (13): Sue Ertmer (Winnebago County Clerk), Julee Helt (Waunakee Village Clerk), Diane Herman-Brown (Sun Prairie City Clerk), Marica Kelly (Dale Town Clerk), Sue Peck (Marshall Village Clerk), Audrey Rue (Brigham Town Clerk), Howard Seifert (WI Board of People with Developmental Disabilities), Alicia Boehme (Disability Rights of Wisconsin), Lisa Weiner (Executive Director, Milwaukee County Board of Election Commission), Sue Edman (Executive Director, City of Milwaukee Board of Election Commission), Andrea Kaminski (Executive Director, League of Women Voters of Wisconsin), Rick Stadleman (Executive Director, Wisconsin Towns Association, representing Marilyn Bhend), and Kevin Kennedy (Director and General Counsel, Government Accountability Board).

WI-EAC Members Absent (6): Sandra Wesolowski (Franklin City Clerk), Mike Hoppenrath (Watertown City Clerk), Nan Kottke (Marathon County Clerk), Kathy Nicholas (Waukesha County Clerk), Anita Johnson (Citizen Action of Wisconsin), Maureen Ryan (WI Coalition of Independent Living Centers).

Board Staff Members Present: Nathaniel E. Robinson, David Buerger, Michael Haas, Diane Lowe, Sharrie Hauge, David Meicher, Dotti Milner, Ann Oberle, Allison Coakley, Nathan Judnic, Angela Steinhauer, Edward Edney, and Steve Rossman.

A. Call to Order / Introductions

Nathaniel E. Robinson, Elections Division Administrator, called the meeting to order at 9:00a.m. A Roll Call indicated a quorum of the WI-EAC was present. Board staff introduced themselves.

B. Overview and Opening Remarks

Kevin J. Kennedy, Director and General Counsel for the Board, and Wisconsin's Chief Election Official, made opening remarks and presented the meeting objectives.

C. Public Comments

A one-hour segment (9:15-10:15 a.m.) was designated on the Agenda for public comment. The WI-EAC heard in-person comments from six speakers. Five of the six speakers either

had previously provided written comments, or written comments were made available during the meeting.

1. **Annette Kuglitsch** (Waukesha), appeared on behalf of herself. Ms. Kuglitsch commented on early voting, voter fraud and poll worker training. Written comments were included with the public comment documents.
2. **Ardis Cerny** (Pewaukee), appeared on behalf of herself. Ms. Cerny commented on voter fraud investigation, voter ID and early voting. Written comments were provided to be included with the public comment documents.
3. **Bryon Eagon** (Madison), appeared on behalf of himself. Mr. Eagon commented on online voter registration and efforts to involve young voters in elections. Mr. Eagon did not provide writing comments, only verbal ones.
4. **Paul Malischke** (Madison), appeared on behalf of himself. Mr. Malischke commented on online voter registration, and urged standardization of voting methods rather than uniform voting equipment. Written comments were included in with the public comment documents.
5. **Deborah Ann Speckmann** (Madison), appeared on behalf of herself. Ms. Speckmann commented on early voting, absentee balloting and DRE machines. Written comment were included with the public comment documents.
6. **Rick Stadleman** (Wisconsin Towns Association), is the Executive Director of the Wisconsin's Towns Association and appeared on behalf of the Association. Mr. Stadleman commented on maintaining municipal-based elections, and election worker and clerk training. Written comments were provided to be included with the public comment documents.

The in-person public comments concluded at 10:00 a.m. For the duration of this segment, members of the WI-EAC were given an opportunity to ask questions of those who spoke.

D. Amendment to the 2009-2014 Election Administration Draft Plan

(Presented by Kyle Brown, Legal Intern)

Kevin J. Kennedy, Director and General Counsel for the Government Accountability Board, submitted a Plan amendment to the Legislative Joint Committee on Finance (JFC). The amendment adds enabling language for implementing the expected soon-to-be-passed impending "Military and Overseas Voter Empowerment (MOVE) Act, S. 1415" Federal legislation that is under consideration by the U. S. Congress. The letter to the JCF and proposed amendment language was included in the WI-EAC meeting materials.

E. Review Legislative Feedback Received During Briefing Sessions

(Presented by Nathaniel E. Robinson)

Specific inquiries/requests provided by members of the Joint Committee on Finance during the briefing sessions, included, but not limited to the following summary:

- A detailed budget for spending only the \$3.9 million in FFY-2008 and FFY-2009 Requirements Payments was requested.
- A request that the Government Accountability Board assures that the Board will not use administrative rule-making authority to enact some or all of the reforms delineated in the Draft Plan.
- A request that the Government Accountability Board will ask Legislature to act on any “Early Voting” protocols, and that the Board will not use its administrative rule-making authority to usurp the Legislature.
- A request was made for the Government Accountability Board to delineate the specific initiatives and reforms in the Draft Plan to be reviewed, explored, examined and evaluated over the next five years that if pursued, will require Legislative action.
- Concern expressed about the Board’s ability to effectively and successfully accomplish the proposed initiatives and reforms in the Draft Plan that call for the application of technology.
- A request was made for the Government Accountability Board to identify the start-up and ongoing costs of initiatives and reforms in the Draft Plan.
- A request was made for the Government Accountability Board to provide a status of the Board’s efforts to complete retroactive “HAVA Check” assessments of voters who have been in the Statewide Voter Registration System since January 1, 2006.

F. Walk-Through of 2009-20014 Administration Draft Plan

(WI-EAC. Board staff served as a resource)

1. Review the WI-EAC Advice Provided During it’s June 17, 2009, Meeting

The WI-EAC reviewed and considered both written and in-person comments in the order they were received. After each comment was considered, by consensus or by formal action, the WI-EAC made a decision as to which comments they advised to be included in their recommendation to the Government Accountability Board.

[Note that references to specific sections of the version of the Draft Plan that the WI-EAC reviewed may not correspond to page numbers in the updated version of the Plan. The updated version contains the WI-EAC advice provided during their July 28, 2009, meeting.]

- The WI-EAC agreed to advise to clarify the language in bullet point one under 2. (A) on page 31 to read “directions to polling place.”
- The WI-EAC agreed to advise to create a new section for emerging issues.
- The WI-EAC agreed to advice that a specific section in the Plan focus on online voter registration.

- The WI-EAC agreed to advise that the Plan be amended to include enabling language for implementing the impending Federal legislation, the MOVE Act.
- The WI-EAC agreed to advise that the absentee section of the Plan be revised to emphasize that initiatives will be examined and explored.
- The WI-EAC agreed to advise that the statement “taking into consideration their impact on other voting procedures,” be inserted before the colon in Section 2. Absentee Voting on page 12.
- The WI-EAC agreed that Board staff counsel study and make recommendations on the “Re-evaluate Vote-Pad Certification as Accessible Device” section found on page 26 of the Draft Plan. (Note that the specific language specifically referring to the Vote Pad voting system has been revised in the update of the Draft Plan).

2. Review of Written and In-Person Comments

Six in-person comments were received by the WI-EAC. Twenty-eight written public comments were received by the Government Accountability Board (two public comments were received after the WI-EAC meeting had concluded). All comments before the WI-EAC were considered by the WI-EAC. Written comments were included in the meeting materials. After reviewing and considering the written comments, by consensus, the WI-EAC provided the following advice to the Government Accountability Board:

- The WI-EAC agreed to advise that “instant run off voting” not be included as part of the Draft Plan.
- The WI-EAC concurred with one of the written public comments that asked that the Government Accountability Board “hold Municipal Clerks accountable for performing their responsibilities.” The clerk members of the WI-EAC applauded this suggestion and want the WI-EAC to revisit this suggestion because in their opinion, this is a growing problem. The WI-EAC, however, did not think this matter was appropriate to include in the Draft Plan.
- The WI-EAC agreed to include in its advice to the Government Accountability Board that before new functionalities are turned-on in the Statewide Voter Registration System (SVRS), that the existing ones, especially SVRS performance, are working at full performance and that clerks are duly trained accordingly.
- The WI-EAC agreed to advise that a general statement about “recognizing the ancillary costs to municipalities,” be added to the Plan.
- The WI-EAC agreed to advise that putting certification for municipal clerks, special registration deputies, and chief inspectors on the same schedule, be explored.

- The WI-EAC agreed to advise the Board to add “examine a single method and protocol that multiple vendors could comply with” to the “Uniform Statewide Voting System” section.
- The WI-EAC agreed to advise that a statement be added to the Draft Plan about what the Board is doing to detect, combat, prevent, investigate and prosecute voter fraud.
- The WI-EAC agreed to advise that language be included stating that voting machine audit results will be reported to the Government Accountability Board in a timely fashion.
- The WI-EAC agreed to advise that language be added to page 13 to clarify that the Council is a non-partisan body.
- The WI-EAC agreed to advise to the extent that it is practical, that specific references and attributions to-and-with whom the Government Accountability Board proposes to collaborate and do business, be stricken.
- The WI-EAC concurs with written comments provided by the U. S. Election Assistance Commission, that all HAVA funding streams be identified in the budget section, including all known available funding for accessibility.
- The WI-EAC agreed to not include provisions in the Draft Plan that call for 1) the elimination of same day registration, and 2) repeal 2005 Wisconsin Act 451 that allows a qualified elector of Wisconsin to become a Special Registration Deputy. These suggestions were received in one of written comments, the WI-EAC considered but declined to include this suggestion as part of their advice to the Government Accountability Board.
- The WI-EAC agreed to not include in its advice to the Government Accountability Board, that a provision be inserted into the Draft Plan that give municipalities the option of purchasing voting machines that have the capability to scan driver’s licenses. On election day, the polling place would offer two options: One line would be “traditional” (no ID required), and another line would require the presentation of the voter’s driver’s license to be scanned and read by the special voting machine.
- With one member objecting, the WI-EAC agreed to advise that language to “study voter ID and review best practices from other states,” be inserted into the Draft Plan.

G. By a formal motion, the WI-EAC Recommended Adoption of 2009-2014 Election Administration Draft Plan by the Government Accountability Board

MOTION: Recommend to the Government Accountability Board that the Wisconsin 2009-2014 Election Administration Draft Plan be amended in accordance with the (aforementioned) advice provided.

Moved by Sue Edman, seconded by Marica Kelly. Motion passed by voice vote. However, Howard Seifert asked to have the minutes reflect that he voted in opposition. Mr. Seifert explained his “no” vote. Mr. Seifert said, he voted “no” because the WI-EAC recommendation contains language about revisiting the voter ID issue. Mr. Seifert stated that voter ID is not a new initiative as it has already been repeatedly dealt with by the Legislature and Governor.

H. Next Steps / Closing Remarks

Nathaniel E. Robinson summarized:

The WI-EAC advice will be shared with the Government Accountability Board. The Board will meet on Monday, August 10 to consider the advice and adopt the Plan. Since the WI-EAC is an advisory body, and the Board is the policy-making body designated by the Wisconsin Legislature to oversee election administration throughout the State, the Board has the authority to accept, amend, revise or reject in part or in whole the WI-EAC advice.

Following the Board’s action on August 10, the Plan will be considered by the Legislative Joint Committee on Finance (JCF) for approval. Following action by the JCF, the Plan will be submitted to the U. S. Election Assistance Commission for placing in the Federal Register for 30-days, after which, the Plan becomes effective.

I. Adjournment

The meeting adjourned at 4:48 p.m.

Wisconsin Government Accountability Board

Chronological Summary of the Process for Developing Wisconsin's 2009-2014 Election Administration Draft Plan

- **April 16, 2009:** The Wisconsin Election Administration Council (WI-EAC) convened for a strategic collaboration on vision and direction for Wisconsin's five-year Draft Plan.
- **June 17, 2009:** The WI-EAC gathered again for a meeting to examine and critique the Draft Plan developed by the Government Accountability Board's (Board) staff.
- **June 22, 2009:** The six former judges who comprise the Board, reviewed a Synopsis of the Draft Plan and authorized its distribution to the Legislative Joint Committee on Finance (JCF), and to the public for review and comment.
- **June 26, 2009:** A notice for public comments was posted both in the state newspaper and on the Board's website. The notice allowed a 30 day period for comments on the Draft Plan.
- **June 29, 2009:** Nathaniel E. Robinson, Elections Division Administrator, began briefing individually with members of the JCF and their respective staff, on the Draft Plan.
- **July 15, 2009:** The final meeting with Senator Mark Miller, Co-Chair of the Joint Committee on Finance. Kevin Kennedy, Director and General Counsel participated.
- **July 28, 2009:** The WI-EAC convened again for review of public comments and recommended adoption of the Draft Plan.
- **August 10, 2009:** During its regularly scheduled meeting, the Government Accountability Board will adopt the Plan.
- **Date To Be Determined:** The JCF will approve the Plan.
- **Date To Be Determined:** The approved Plan will be submitted to the U.S. Elections Assistance Commission for placement in Federal Register for 30 days.
- **Date To Be Determined:** The Wisconsin 2009-2014 Election Administration Plan becomes effective 30 days after appearing in the Federal Register.

Wisconsin Government Accountability Board

Members of the Public who Submitted Comments Regarding Wisconsin's 2009-2014 Election Administration Draft Plan

<u>Public Member/Organization</u>	<u>Comments Appear on Page:</u>
Paul Malischke	1
Howard Seifert	2
Carol Alexander	3
Marcia Mercier	5
Millie Ritzer	6
Marlene J. Carter	7
Jerry W. Carlton	8
Bruce P. Strama	9
Kathryn Curtner	10
Roger Charette	11
Terri Kalan	13
Kris Schmidt	20
Paul Malischke	24
League of Women Voters of Wisconsin	26
Barbara Burton	27
Paul Malischke	28
Mary Ann Hanson	29
Shelley E. Mathison	31
Debbie Morin	32
Deborah Ann Speckmann	34
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Brennan Center for Justice	55
Beverly Maddrell	59
Ardis Cerny	63
Wisconsin Towns Association	64
Paul Malischke	67
Sally Putnam	69
The Republican Party of Wisconsin	70
Bryon Eagon	71

Date: June 22, 2009
To: Government Accountability Board
From: Paul Malischke

Subject: Draft of Wisconsin's Election Administration Plan, Item E

1) Eliminate items that have not been previously reviewed in detail, or change the wording to clarify that they are for evaluation, not implementation.

The Plan is a very important document that will be submitted to the federal Election Assistance Commission and eventually appear in the Federal Register. However, there are many specific items listed for implementation that have not been fully discussed or approved by the Board.

Yet the synopsis contains these statements:

"This synopsis summarizes program activities intended to be pursued and **implemented** over the next five years". (page 4)

"...implement all elements..." (page 11)

Consider changing "implementing" to "investigating, or "evaluating for possible implementation". Page 5 has examples of items that will be controversial:

- Move the registration deadline to more than 20 days before the election
- Vote by Internet, phone, email, fax
- Elections solely by mail
- Eliminate records of absentee ballot requests
- Eliminate witness and certificate envelope for absentee ballots
- Expand the geographic area in which an election inspector may serve

2) Broaden the duties for the Technical Advisory Committee

The synopsis proposes a technical advisory committee, which is highly desirable. (A member of Fair Election Wisconsin proposed this at the November 2005 meeting of the State Elections Board.) However, the only function mentioned in the Plan is reviewing equipment modifications for possible waivers of the EAC certification (page 9). Below are other functions that should be included in their duties:

- a) Advise on the content of the administrative rule for approval of voting machines.
- b) Help develop thorough methods of pre-election testing of tabulators.
- c) Advise on security rules for voting equipment.
- d) Advise on methods and results of audits of machine transactions logs and vote counts.
- e) Develop means of authenticating software versions, such as hash code checks.
- f) Participate directly in evaluation of equipment being considered for approval by
 - Reviewing federal certification testing and results.
 - Participate in the state's functional evaluation and testing.
 - Submit written advice on acceptance or rejection.
 - Investigate possible waivers to EAC certification for minor upgrades.

Schmitt, Adam J - GAB

From: Buerger, David - GAB
Sent: Tuesday, June 23, 2009 10:48 AM
To: GAB State Plan
Subject: FW: Voting State Plan

David Buerger
Elections Specialist
Wisconsin Government Accountability Board
david.buerger@wisconsin.gov
(608) 267-0951

From: Seifert, Howard F - BPDD
Sent: Tuesday, June 23, 2009 10:14 AM
To: Buerger, David - GAB
Subject: Voting State Plan

Hi David:

I don't know why I didn't think of this until now but I wonder if it's not too late to include something in the next plan that addresses the topic of Instant Runoff Voting as a way to streamline voting. In addition, there is a movement around the country to have the popular vote count to determine who wins the Presidency versus having the Electoral College to do. Obviously this would need legislative approval but again I wonder if this is something the Board could consider as a recommendation.

Thanks for your consideration.

Howard Seifert, Policy Director
WI Board for People with Developmental Disabilities
201 W. Washington Ave., Suite 110
Madison, WI 53703
608-267-9897 Voice
888-332-1677 Toll-free
608-266-6660 TTY/TDD
608-267-3906 Fax

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Schmitt, Adam J - GAB

From: Robinson, Nathaniel E - GAB
Sent: Friday, June 26, 2009 7:44 AM
To: Alexander, Carol
Cc: Kennedy, Kevin - GAB; Hauge, Sharrie - GAB; Haas, Michael R - GAB; Buerger, David - GAB; Hansen, Barbara - GAB; Lowe, Diane - GAB; Hein, Ross D - GAB; Judnic, Nathan - GAB; Coakley, Allison - GAB; Harvell, Adam - GAB; Edney, Edward T - GAB; Steinhauer, Angela - GAB; Milner, Dotti - GAB; Rossman, Steven R - GAB; Hoeth, John M - GAB; Oberle, Ann F - GAB; Meicher, David - GAB; Schmitt, Adam J - GAB
Subject: RE: 2009-2014 Election Administration Draft Plan
Follow Up Flag: Follow up
Flag Status: Red

Carol,

As a follow-up to Kevin's acknowledgement of your email on yesterday, I, too, want to thank you for your kind words about Wisconsin's Draft 2009-2014 Election Administration Plan. By way of my response to you, I am forwarding your comments to our in-house Team that developed the Draft Plan. We appreciate your supportive and encouraging feedback.

Best wishes and kind regards,
 Nat

Nathaniel E. Robinson
 Elections Division Administrator
 Government Accountability Board
 212 East Washington Avenue
 Madison, WI 53703
 608 267 0715 (LAN)
 608 267 0500 (FAX)

Nat.Robinson@wi.gov
<http://gab.wi.gov>

From: Alexander, Carol [mailto:AlexandC@ci.beloit.wi.us]
Sent: Thursday, June 25, 2009 9:36 AM
To: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB
Subject: 2009-2014 Election Administration Draft Plan

Good Morning Kevin and Nat. Yesterday I printed off and have since read the Draft Plan and an ambitious one it is! When I consider how many changes have come about in the past five years, I have no doubt that the next five years will bring about even more. One element that shines through the Draft Plan is the effort to simplify how information is presented, both to the Municipal Clerk partners and to the public. I could enumerate various points that I truly support, however, I must tell you that I support the entire document, or at least those portions that relate to my role as a Municipal Clerk.

Since funding as a whole is not in my area of expertise, but funding on the local level is, I trust that these changes will save time and money for Municipal Clerks, Chief Election Inspectors, and Election Inspectors in general while making the voting process more seamless and user-friendly than it already is.

I do like the movement in the past two years of using the Internet for posting of information and forms, and the development of the WBETS System for training. Only through standardization of training requirements will Municipal Clerks be able to deliver the best election process results possible. We all know there are still those who will say, "we don't do it that way in xxxxxx," however, if Municipal Clerks are exposed to the right information

in the right format and have been given the right tools to do the job, they will, for the most part, step up to the plate. I believe it is your job to make that happen and to hold Municipal Clerks accountable for performing their responsibilities.

Thank you for writing this impressive and detailed report and I look forward to helping in whatever way possible to assist in achieving the goals contained therein for the good of the voting public, while helping Municipal Clerks achieve their goal of accurate election administration through clear direction from you.

Have a great day!

Carol S. Alexander, WCPC/MMC
City of Beloit City Clerk
100 State Street
Beloit, WI 53511
608-364-6684
Fax: 608-364-6649
alexandc@ci.beloit.wi.us
pop. 35,775

Schmitt, Adam J - GAB

From: JIM MERCIER [mercijm@mwt.net]

Sent: Saturday, June 27, 2009 2:26 PM

To: GAB State Plan

I am so glad to hear of this revision. I come from a small township , LaValle, Wi. We have a manmade lake named Lake Redstone that has many out of state residents which live part time. It is slowly changing to more and more full time residents.

I work for the town when we have elections and see the residency roll. I know of several folks that have moved and or are on the voting list that should be off. It takes too long for the county to get this list up to date, which is Sauk Co. It gives a false number to the government of folks that are supposedly able to vote. Our numbers for a small community are always pretty good, however it would be nice if they where perfect. Of course with folks moving and passing away I realize that it is an on going battle to keep voteing lists up to date. I am sure our community is not unique and that is why I applaud your efforts to getting this fixed.

Marcia Mercier, resident of LaValle,Wis.....

Schmitt, Adam J - GAB

From: millie ritzer [tootie@nnex.net]
Sent: Monday, June 29, 2009 10:40 PM
To: GAB State Plan
Subject: 2009-2014

This is ridiculous at this time! \$17+mlion dollars!!!!!! For a survey!!! For what? To check on the elections throughout the state!! I haven't heard of problems with the elections . I'd like to know who autorhizes this amount of money for this frivoulous expenditure. Millie Ritzer, Town of Cloverland, Vilas County

Schmitt, Adam J - GAB

From: Marlene [marlene@dwave.net]
Sent: Tuesday, June 30, 2009 9:26 AM
To: GAB HelpDesk
Subject: listening sessions

Can you tell me when and where there will be a listening session in Marathon County, regarding this new election plan?

Thank You,
Marlene J. Carter, Clerk
Town of Frankfort

Schmitt, Adam J - GAB

From: Village of Hancock [vhancock@uniontel.net]

Sent: Friday, July 03, 2009 8:38 AM

To: GAB State Plan

Subject: "Appendicies"

Should someone check the spelling of the plural form of "appendix" as used following the **Supplement** section of your **2009-2014 Election Administration Draft Plan**?

Jerry W. Carlton, Clerk

Village of Hancock
P.O. Box 154
Hancock, Wisconsin 54943-0154
715-249-5521

Schmitt, Adam J - GAB

From: Strama Bruce [bruce.strama@co.taylor.wi.us]

Sent: Monday, July 06, 2009 4:21 PM

To: GAB State Plan

Having reviewed the proposed five-year plan, I think it a well thought out plan with exception to one aspect. As brought up at our annual county clerk's convention, there needs to be some responsibility when expenditures are made as to where the money is coming from. We, local, state or federal do not have the funding for the plan and at some point we have to stop spending in excess of revenues. I believe we should become more fiscally responsible beginning now, so I cannot support the plan.

Bruce P. Strama, Taylor County Clerk

Schmitt, Adam J - GAB

From: Kathryn Curtner [curtnk@merr.com]

Sent: Thursday, July 09, 2009 8:13 PM

To: gabstateplan@wi.gov.

Subject: 2009-2014 plan

This is a small point but one worth cleaning up.

Like the certification of municipal clerk, that of special registration deputies runs from January of odd-numbered years to December of even-numbered years. I suggest you amend Item 5 D, page 17 of the plan to read:

"Adjust the certification terms of municipal clerks and special registration deputies to match the terms of election Inspectors."

Schmitt, Adam J - GAB

From: Buerger, David - GAB
Sent: Monday, July 13, 2009 4:52 PM
To: GAB State Plan
Subject: FW: Wisconsin's Draft 2009-2014 Election Administration Plan

From: GAB HelpDesk
Sent: Monday, July 13, 2009 7:34 AM
To: Robinson, Nathaniel E - GAB
Cc: Buerger, David - GAB
Subject: FW: Wisconsin's Draft 2009-2014 Election Administration Plan

From: Roger Charette [mailto:charette1946@yahoo.com]
Sent: Friday, July 10, 2009 8:23 PM
To: GAB HelpDesk
Subject: Re: Wisconsin's Draft 2009-2014 Election Administration Plan

I'M SO UPSET ---- OUR COUNTRY IS BORROWING AND YET WE NEED 17,000,000FOR ELECTIONS GET A GRIP..

--- On Fri, 6/26/09, From the Government Accountability Board <gabhelpdesk@wisconsin.gov> wrote:

From: From the Government Accountability Board <gabhelpdesk@wisconsin.gov>
Subject: Wisconsin's Draft 2009-2014 Election Administration Plan
To: charette1946@yahoo.com
Date: Friday, June 26, 2009, 8:59 PM

DATE: June 26, 2009

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

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

SUBJECT: Wisconsin's Draft 2009-2014 Election Administration Plan

**Wisconsin's \$17.3 Million Draft 2009-2014 Election Administration Plan
Please Review and Comment!**

On Monday, June 22, the Government Accountability Board authorized an ambitious, five year, \$17.3 million dollar visionary election administration action plan to be sent to the Legislature for approval, and to the public for review. The plan is designed to upgrade and modernize elections over the next five years. The Board will discuss the plan again in early August, before it is submitted to the U. S. Election Assistance Commission for consideration. The Board is encouraging the public to review the draft plan and share feedback. We are interested in your feedback and what you think may be most important in this proposal.

The plan may be accessed at:

<http://elections.state.wi.us/docview.asp?docid=16946&locid=47>

Comments from the public may be submitted directly to the Board at **gabstateplan@wi.gov**. Input from the public will be summarized and presented to Government Accountability Board for consideration at its August 10, 2009, meeting.

We look forward to hearing your comments and feedback.

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

Schmitt, Adam J - GAB

From: Kalan, Terri [KALANT@ci.superior.wi.us]
Sent: Wednesday, July 15, 2009 10:57 AM
To: GAB State Plan
Subject: Comments regarding 2009-2014 Election Administration Plan
Attachments: Election Administration Plan 2009-14 comments.doc

Attached are my comments regarding the 2009-2014 Election Administration Plan.

*Terri Kalan, City Clerk
Superior, WI 715-395-7369*

Comments on Wisconsin's 2009-14 Election Administration Draft Plan submitted to the Legislative Joint Committee on Finance on June 24, 2009.

*Terri Kalan, City Clerk
City of Superior, Wisconsin*

Statements in italics are comments by me regarding the topic listed. If certain parts of the plan are not listed, I have no objection or no comment to the initiative.

2009-2014 Election Administration Initiatives

1. **Early voting** – This option is currently being reviewed and input is being sought by the public and election administrators. The objections of implementing early voting is to reduce voter waiting time, maintain integrity of the vote counting process, relieve workload of local election officials and control costs.

I do not see the cost savings involved in early voting nor do I believe it would reduce the workload of election officials. It would actually increase both by requiring early voting sites to be manned and one additional option to voters that election officials would be required to provide. Acquisition of voting machines that could accommodate multiple ballots styles from an entire county, electronic poll books, and additional staff on all levels would be required. This would be a huge cost (unfunded mandate) to counties and municipalities.

The only way I could support early voting would be by allowing counties and municipalities to opt out. We do not have the problem of lines because we run our elections efficiently and effectively. Early voting would provide no benefit to us or our electors.

2. **Absentee Voting** – Wisconsin's "no excuse" absentee voting has contributed to the popularity of voting by absentee ballot. In the days before the 2008 Presidential Election, Wisconsin clerks experienced unprecedented lines of voters waiting in line in the clerk's office rather than voting at the polling place.

While we did have an unprecedented turnout of in-office absentee ballots, we were staffed properly with temporary help and election inspectors. This was a non-issue for us.

A. Reduce absentee voting burden by providing additional time for receiving and processing absentee ballots.

Moving the absentee ballot request deadline up one week or, at least, eliminating in-person absentee voting after the fourth calendar day preceding the election would better allow municipal clerks to meet any last minute ballot requests and focus on processing incoming ballots. Tightening absentee voting deadlines would also allow municipal clerks time to attend to the last minute details of election preparation, rather than focusing entirely on the absentee voting process in the final critical days before the election.

How would we deal with someone who, one day before the election, finds out they need to be out of town for work on election day? Would they not be allowed to vote? I think it works fine as it is.

B. Eliminate the written application, certificate envelope and witness requirements for in-person absentee voting

I agree completely the application and witness requirements can be eliminated but still see a need for in office envelopes to keep the ballots secure.

C. Allow a facsimile signature on an absentee ballot request and eliminate the requirement to receive an original application with an original signature in order for the ballot to be counted.

I agree completely.

D. Allow the return of the voted ballot by fax or email.

This would be a nightmare and should not be given any consideration EXCEPT PERHAPS for military personnel. This only provides an opportunity for voter fraud and ballot security.

E. Expand the opportunity for all electors, with one request, to receive ballots automatically for all elections for which the elector is eligible to vote.

I could agree with yearly request but not automatically for all elections. This would be a cost issue – people move and fail to notify us. We would continually be sending out ballots that would be returned as undeliverable. Leave as is.

F. Allow solely “vote by mail” instead of utilizing traditional polling places. The use of this option would be limited to small elections and would require authorization by the Wisconsin Legislature and the municipal governing body.

I have mixed feelings about this. It would be a cost factor and logistically I am not sure how it would/could work.

G. Explore options for reduced postal rates for ballots sent to “regular” and overseas electors. (Postage pre-paid envelopes are currently available to mail ballots to military electors.)

Good idea but I bet the U.S. Postal Service would have an issue with it.

3. Polling Place Information

A. Consolidate the many notices required to be posted at the polling place into a single brochure or other document

A GREAT IDEA!

B. Expand the geographic area in which an election inspector may serve.

I agree.

C. Allow the use of Electronic Poll Books in Wisconsin

Electronic Poll Books have been used at polling places in other states with great success. Using Electronic Poll Books would speed up the check-in process and increase accuracy when recording voters. It would also reduce the amount of extra staff and time needed to input voter participation after an election. Finally, Electronic Poll Books have the potential to be an excellent Election Day barrier to possible double voting. However, there are significant technical challenges to implementing Electronic Poll Books including providing internet connectivity to the rural areas of Wisconsin; integrating the Electronic Poll Books with existing 15 networks; integrating the Electronic Poll Book software with the SVRS; and, upgrading the SVRS to handle the increased user load on Election Day.

I see this mentioned in several locations of this plan and I have some major concerns. If I understand this correctly, electronic poll books would be on a laptop computers. There is a HUGE cost involved for purchasing and programming the computers. Not all polling locations have internet connectivity so that would be another issue and cost factor. I do not believe this could speed up the check-in process, but rather slow it down! Consideration must be given to the fact that many election inspectors are older individuals who, for the most part, are under paid. They are certainly not over-compensated. By requiring this, they will need to learn how to use the computer, the programming, SVRS, etc. WE have a hard time with SVRS most of the time. Who will train the workers? What

happens when the internet connection dies or the laptop fails? Requirements such as this will cause more and more election inspectors to quit. This is one of the most unrealistic proposals of this plan!

D. Develop a better support system for election inspectors with Election Day questions. The chief election inspector of a polling place is limited to looking in paper manuals or calling another election official if they have questions. The Government Accountability is exploring the possibility of deploying electronic devices to each polling place that would make it easier for an election inspector to quickly find an answer or solution to any given problem. This device would allow the inspector to quickly handle situations which may arise at the polling place and lessen the need to contact the Board or the clerk for assistance.

Again, consideration needs to be given to the technical savvy of the election inspectors and the cost involved for purchasing these "devices", the cost and time of training the workers, and the cost and time of updating these devices as the laws change. Clerks are required to be trained, certified, etc. in order to put on election. WE should be available to answer questions and the GAB should be properly staffed on election day to answer questions. This is just plain silly and a huge waste of resources.

E. Reduce the number of election inspectors required to administer "curbside voting" to one, if another witness is present.

I agree.

4. Voter Registration

While the adoption of Election Day Registration in 1976 made Wisconsin a leader in the area of voter registration, the Internet has made it possible to further expand the availability of voter registration

A. Allow an individual to register to vote and submit the registration form online during open registration. If the driver's license number and other information can be validated against the Department of Transportation, the registration form may be completed and submitted electronically.

I am not sure what to think about this. It needs more much investigation.

B. Move the open registration deadline to more than 20 days before the election. Moving the open registration deadline does affect other deadlines such as absentee voting deadlines. Further examination will be required to ensure that changing this deadline does not create problems complying with other deadlines.

I agree that further examination will be required.

5. Additional Initiatives to be Explored

A. Clarify the definitions of "residency" in Wisconsin Statute

Wisconsin Statutes lack firm definitions of what constitutes "residency." Tightening residency requirements would make it easier for clerks and voters to determine voter eligibility and which polling location a voter should be assigned.

I agree

B. Move up the date of the Partisan Primary to allow more time between the primary and general elections.

I agree with your statement that moving the Partisan Primary election has far-reaching political and practical implications. Further examination will be required to determine the feasibility of such a large-scale change to the election calendar.

C. Migrate the electronic collection of canvass data from the current canvass application to SVRS. *I agree.*

D. Adjust the certification terms of municipal clerks to match the terms of election inspectors *I agree.*

Statewide Voter Registration Database

(Maintaining Wisconsin's Statewide Voter Registration System)

Efficient election management relies upon a strong, well-maintained infrastructure. Continuous updates and upgrades are essential to maintaining clean and accurate data in Wisconsin's SVRS. Any new vote database will perform the same kinds of functions that the current system does, presumably, in a more efficient and effective manner. An influx of new Federal funds to keep this system operational is critical to its continued use and utility. Over the course of this five-year Plan, the Government Accountability Board will explore other voter database systems that could better suit election officials and the residents of Wisconsin.

We were told five years ago that we would love, love, love the SVRS system. I can tell you I do not love, like, or even barely tolerate the SVRS system (and am very vocal about it). This system has been inefficient and ineffective from day one. Minor improvements have been made but not nearly enough.

1. Required Regular Maintenance of SVRS Software and Infrastructure

The Statewide Voter Registration System's (SVRS) source code is extremely complex and requires a tremendous amount of regular maintenance to keep it up and running for the over 2,000 total SVRS users (election officials at the state, county and municipal levels and their staff) across the state.

Not only does it require a tremendous amount of maintenance to keep it up and running, it requires a very large amount of time by the election officials to operate. The entire program is slow, frustrating, and inefficient.

2. Further Implementation and Expansion of Current SVRS Functionality

The current Statewide Voter Registration System (SVRS) contains modules that are functional, but have not been implemented to the fullest potential. As more SVRS functionalities are "turned on" and implemented, the cost for maintenance and monitoring increases. Newly implemented functionality of the SVRS will also require in-person and online training for election officials.

Before "turning on" any more modules, those that are currently operational need to be completely functional. Adding more inefficient modules for election officials to use is an absolute waste of time and resource; and is inexcusable.

C. Testing of Redistricting Functionality in SVRS.

This must be at the top of current priorities.

3. Upgrades, Improvements and Additions to Current SVRS Software Package

A. Upgrade Database Indexing and Improve Source Code

While functional and used for elections since 2006, the Government Accountability Board continues to receive complaints that the SVRS runs extremely slow at times, especially during peak election cycle times when speed and efficiency are the most important to effective election administration. Basic searches of voter records and opening specific sections of the application, such as district information, can be very sluggish and frustrating when trying to complete the many election administration tasks required in the SVRS. Upgrading and improving database indexing and

modifying the source code in areas that run slowly are needed to assist election officials in completing routine business practices.

Absolutely agree!

B. Automate the HAVA Check Interface

Currently, conducting HAVA interface checks takes an unnecessary number of steps. Moving to a more automated, background stored procedure will save election officials time and effort while working in the SVRS.

Absolutely agree!

C. Streamline Absentee Business Processes

The absentee functionality in the SVRS, while improved over the years, still produces a large number of complaints due to its complexity and potential for user error. One of the main reasons a large number of municipalities and counties choose not to use the absentee functionality in SVRS for tracking purposes is that it is unnecessarily complex. Streamlining the absentee process in the SVRS would promote more usage and improve absentee reporting (more complete and accurate absentee data) on a statewide basis. Improving the absentee functionality will also help election officials more effectively track and report on UOCAVA voters.

I have very little faith that the absentee module will ever work well enough to use and I do not believe the election officials should be required to use it unless it is proven to be completely functional to our standards.

D. Streamline Other Business Practices

Further refinement and automation of current routine tasks such as generating and exporting voter poll lists, identifying voter record matches and recording voter participation would alleviate some of the most common “system usage” complaints associated with the SVRS.

Routine tasks and reports should be a priority!

E. Upgrade Reporting Functionality

The reporting functionality in the SVRS must be upgraded to make it more userfriendly, including much needed flexibility in creating customized reports for individual jurisdictions. The Government Accountability Board intends to explore the feasibility of upgrading to an entirely different report writing software for voter and election data to help simplify the report running process. The current reporting model is inconsistent and has been difficult to use at times. If the Board chooses to keep the current report functionality, it will need to standardize data elements, naming conventions of fields and report views to make the reports more useful and easier to use. The capability for users to create a customized report is needed as it is difficult to provide a “one-size-fits-all” report for over 2,000 SVRS users.

F. Modify SVRS to Accommodate Early Voting

If early voting proposals are adopted in Wisconsin

G. Modify SVRS to Accommodate Electronic Poll Books

Computers and connectivity at every polling location in Wisconsin would be required, as well as additional training for election officials on how to use these new tools.

Again, there is a HUGE cost involved for purchasing and programming the computers not to mention training election workers with little to no computer experience.

H. Incorporate Existing Election Day Reports in the SVRS

Explore the feasibility of electronic databases to track the current GAB-104 form (Inspectors' Statement) to compile and The Government Accountability Board will explore the feasibility of electronic databases to track the current GAB-104 form (Inspectors' Statement) to compile and analyze incidents on Election Day and to track ballot and electronic voting equipment security.

MORE work for election inspectors and election officials. Unnecessary!

Schmitt, Adam J - GAB

From: Schmidt@ci.brookfield.wi.us
Sent: Friday, July 17, 2009 2:44 PM
To: GAB State Plan
Subject: Comments
Attachments: Comments on Wisconsin Draft 2009-2014 Plan.doc

Kris Schmidt
City of Brookfield
2000 N. Calhoun Road
Brookfield, WI 53005
262-796-6653
email: schmidt@ci.brookfield.wi.us
Fax: 262-796-6671
Population 39,700 +

Comments on Wisconsin Draft 2009 – 2014 Election Administration Plan

Page 12

A. Agree, need to move up the deadline for absentee balloting. I prefer the cut off to be the Thursday before the Election. Would give us time to print poll books with an indication of Absentee Voting. Thursday before as that is the deadline for mail out. Some exceptions could be granted: death or illness in family, last minute business trip, etc.

Page 13

C. allow facsimile signatures - yes

D. Allow return of voted ballot by fax or email - yes

E. Why expand the list of permanent absentees so anyone could receive a ballot. All elections are not equal. A Spring primary does not generate the same amount of attention as a Fall election cycle. We would mail out a number of ballots not returned, or encourage people to vote their ballot without any knowledge of the candidates just to remain on the list. We have also seen a number of ballots come back without votes.

F. Purely vote by mail, if extended to all registered voters would become a financial burden. See E as you may encourage people to vote who have no knowledge of the issues or candidates.

Page 14

3. A Consolidate Notices. Very important. We post over 12 notices. That number is increased by the posting of sample ballots (2) for each style. Only one ballot should be needed. Many of the notices are not much different from each other. The more there is to read, the more they are ignored. I seldom even see anyone looking at the notices.

B. Allow for pollworkers to cross jurisdictional lines. This could present problems if it allowed political parties to then give names to clerks of individuals outside of political boundaries. Needless to say we should have a choice to use our own citizens.

C. Electronic Poll Books. Good idea! Many need to recruit different individuals for pollworkers. It might eliminate some older workers, however it might also revitalize the polling places.

Page 15

D. Prefer election workers to contact me. I believe we have a good support system if your election workers are empowered. I believe the problem is in the training. We always have someone in the office to answer questions on Election Day. I am also out visiting election sites.

E. Agree

Page 16

B. I do not believe we have to move the open registration period earlier than 20 days. We manage to put in the registrations as they are a priority. Heavy absentee balloting starts during the second or third week before the election. Under current law, we are to produce certificates for all registering during the late period. That should be changed to all those registering after poll books are printed. With the current electronic system, we show all late registrants in the supplemental pages. As long as they appear in the supplemental, they are registered and certificate need not be created. We experience a substantial delay in printing certificates off of

the system during the presidential for the people registering in the last couple of days before the presidential. The laws need to be changed to reflect current practices.

5. A. Clarify "residency". Even more important, is to clarify "intent to return" A person having a home for sale in one municipality while living with relatives in another and building a home in a third should vote in the first municipality. Although no longer living in the first municipality, the second is only temporary and the third has not seen any occupancy. These type of situations become more become more prevalent with a Presidential election.

Voting Systems Initiative's

1. State should be able to approve some changes to software and hardware of already approved systems.
2. Clarification of definition of Maintenance of Electronic Data. Clearing memory devices earlier than 22 months is imperative. Memory devices are expensive. Better to save to other media which is backed up on a periodic basis.
4. Uniform Statewide Voting System. Perhaps Unified across the County, however, you should not force compliance to one voting machine. States can create monopolies and then be at the mercy of the monster they create. Elections are accomplished at the local level. Our County uses the same Optical Scan System. We use two different manufacturers for DRE units. I believe it is important to have a number of vendors than to be stuck with one. It should be made clear to everyone the advantages of everyone in an area using the same machines, however, it should not be a mandate.

Statewide Voter Registration DataBase (Page 38)

Review the need before turning on any additional modules. Not all "Bells and Whistles" are necessary.

- B. Automate HAVA checks. If Voter is a "Confirmed Match" should automatically merge or at the least be able to merge from that page.
- D. Poll List generation needs to be easier such as being able to generate all at one time or at least in "chunks".
- E. Reports – agreed. Should be more canned reports that are useful. Titles should actually describe reports. List of what reports will actually produce.
- G. Electronic Poll Books. – worth the effort. Will need additional training for pollworkers and probably a new breed of pollworkers.

Section 3 Voter Education

Grand Plans? How much voter education is needed for a State that has the second highest voter turnout in the nation. I hope the priority is low on this one.

Maintenance of Effort (page 54)

Please read the first and third paragraph and explain what they mean. The first one is not a complete sentence even though it runs on for several lines. The third paragraph seems to contradict itself. Did the State spend or not spend funds in FFY 2000.

Section 8 Hava Performance Goals & Measures

Seems like a listing of previous points. Overkill. Some things done.

Section 12 Changes to State Plan from Previous Fiscal Year

Not sure I would be willing to admit that my 2004 plan was submitted in 2008 to U.S. EAC without further explanation. Was it an active plan used in Wisconsin, however not sent to the Feds? It appears the 6 page document does actually give information on accomplishments. Perhaps it is important that something more is included relative to the 2004 Plan. You do point to it being in the Supplement section, however, I don't think that is enough. Big things have happened since 2004. It actually looks like it is all going to happen in 2009 – 2014 Plan. Much is already accomplished.

Kris Schmidt, City Clerk, City of Brookfield

Schmitt, Adam J - GAB

From: Paul Malischke [malischke@yahoo.com]
Sent: Sunday, July 19, 2009 9:08 PM
To: GAB State Plan
Subject: comments
Attachments: Fair Elections WI comment on 5 year plan.pdf

Please see attached.

Cheers,
Paul Malischke



Comments on 2009-2014 Election Administration Draft Plan

Top Priority Should be to Develop Online Voter Registration for Implementation in 2010

There would be a direct immediate financial payback for municipalities by saving the cost of manual data entry from a huge stack of paper forms. Service to voters would be improved by offering this as a means to register that complements our existing methods.

The draft plan lists implementation for 2013 (page 58). Because of the significant advantages of online voter registration, implementation should be in 2010.

Arizona and Washington have successful models that Wisconsin can follow, and the legislatures of six other states have passed legislation this year. These states have scheduled implementation for the middle of next year.

There are two key restrictions that preserve the integrity of the registration data:

- Only those with a Wisconsin driver's license or Wisconsin ID card can use the online system.
- Online registration would close 20 days before each election, identical to the current deadline for open registration.

Members of the Election Administration Council and the Board are invited to view the 8-minute video at http://www.youtube.com/watch?v=eB_vLS2Kjdc or search YouTube for "online voter registration Wisconsin".

Further information, including links to bills from other states, is at <http://www.fairelectionswi.com/Online%20Reg.htm>

Paul Malischke is a spokesperson for Fair Elections Wisconsin
malischke@yahoo.com phone 608-238-8976 July 18, 2009

Fair Elections Wisconsin is an independent all-volunteer organization working for elections that are accurate, well administered, and transparent.
www.fairelectionswi.org P.O. Box 1122, Madison 53701



LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION FUND

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827
Fax: (608) 256-1761

http://www.lwwi.org
lwwisconsin@lwwi.org

July 21, 2009

Mr. Nathaniel Robinson
Government Accountability Board
212 East Washington Avenue
Madison, WI 53703

RECEIVED
09 JUL 23 PM 2:52
GOVERNMENT
ACCOUNTABILITY BOARD

Re: Comments on draft Wisconsin Election Administration Plan

Dear Mr. Robinson:

We appreciate the opportunity to comment on the 2009-2014 Wisconsin Election Administration Plan draft dated June 24, 2009. A committee of League members has reviewed the plan and found it to be very comprehensive. We believe it asks the right questions and works toward a shared vision of an election system that is fair, open and accountable. We urge the GAB to continue to be welcoming of public input as you consider various options for our elections, for example online voter registration or any changes in current registration or absentee voting deadlines. As for the budget for implementing the plan, we are concerned about the amounts designated for accessibility of polling places and for the integrity and security of voting systems. These are very important aspects of our elections that must be sufficiently funded.

Again, thank you for the opportunity to contribute our thoughts on the plan.

Sincerely,

Andrea Kaminski
Executive Director

Cc: Kevin Kennedy
Kit O'Meara

Schmitt, Adam J - GAB

From: GAB HelpDesk
Sent: Tuesday, July 21, 2009 3:04 PM
To: Buerger, David - GAB
Subject: FW: GAB - Wisconsin's election Administration Draft Plan 2009 - 2014

-----Original Message-----

From: Barbara Burton [mailto:barbburton2@sbcglobal.net]
Sent: Tuesday, July 21, 2009 1:09 PM
To: GAB HelpDesk
Cc: sen.miller@legis.state.wi.us; Rep.Pocan@legis.wisconsin.gov;
Sen.Darling@legis.wisconsin.gov; Rep.Vos@legis.wisconsin.gov;
Rep.Smith@legis.wisconsin.gov; Sen.Coggs@legis.wisconsin.gov
Subject: GAB - Wisconsin's election Administration Draft Plan 2009 - 2014

To the Government Accountability Board of Wisconsin:

I appreciate the substantial effort that went into creating this formidable 5 year plan and the opportunity to comment on its contents.

Following are questions that come to mind after a cursory review.

In the summary version of the plan (p. 5) you indicate exploration of expanded voting methods (mail, phone and internet) which would require legislative action. My concern about these initiatives relates to preserving the integrity of the process....how does one prevent fraud with these systems?

In section 13A of the long version on your website, you address the possibility of supplying absentee ballots for every election, following one request from an infirm individual. Infirm folks do move, and health status can change...is this not potential for a surplus of absentee ballots that could wind up in the wrong hands?

Lastly is the subject of Early Voting. Having reviewed your draft plan, I continue to be concerned about the expense associated with even a pilot plan at a time when our State is horrifically burdened with debt for the "convenience of the voters and municipal clerks."
As I understand from your last Board meeting, this request came from our legislature, so I understand why you feel compelled to explore it, but I do feel the costs in staffing, technology, systems programs, etc. would overwhelm municipalities and far outweigh any benefits.

Thank you for accepting my comments.

Barb Burton
barbburton2@sbcglobal.net

Date: July 22, 2009

From: Paul Malischke, 4825 Bayfield Terrace, Madison WI 53705
malischke@yahoo.com

1) Uniform voting systems Page 27 — Don't let one vendor have a monopoly on Wisconsin's votes. Wisconsin should standardize on voter-marked paper ballots, but allow three vendors to compete. This will allow local control to be maintained, and provide for continuing competition in design, price, service, accuracy, and reliability. By standardizing on voter-marked paper ballots, along with ballot marking devices and optical scan tabulators, we can move towards standardization for testing, recounts, and voter and pollworker training. Add the following wording:

"An alternate plan would be to standardize on voter-marked paper ballots, the method currently used by over 90% of Wisconsin voters. Existing equipment could be grandfathered, so as to avoid significant immediate costs. Future replacements would be restricted to equipment that uses voter-marked paper ballots. Uniformity would not require standardizing on a single vendor. By allowing continuing competition among three vendors, local control of equipment selection would be maintained."

2) Training for the Board of Canvassers Page 45 — This is mentioned here, but it does not appear in the performance goals section. Wisconsin currently does not have any detailed protocol for their duties, or any type of training program. This should be high priority, with an implementation date of December 2009.

3) Voting Systems Technical Advisory Committee Page 25 — This is a great idea, except the funding is inadequate. Page 21 (third paragraph) states that the integrity and security of voting machines are "highest priority", but the dollars allocated (\$5000 per year, page 50) tell a different story. Add \$100,000, for a total of \$125,000, which would be less than 1% of the total in the plan. This would provide a similar level of support for assistance by academic experts that was in the recent data collection project, which was supported by the U.S. Election Assistance Commission.

4) Moving the deadline for open registration Page 16 — This item should be deleted from the plan. Moving the deadline farther from the election would have two effects:

- This would make it harder to register. Interest develops in an election (or any event) as it gets closer.
- More registrations will be pushed to Election Day, which will increase the workload that day.

Instead, promptly implement online registration, and the workload on the clerks will be relieved and we can keep the deadline at 20 days.

5) Audits of the voting machines Page 24 — "Pursuant to Wis. Stat. § 7.08(6), the Government Accountability Board audits the performance of each tabulating voting system used in Wisconsin following each general election to determine the error rate of the system in counting ballots that are validly cast by electors." However, there has been no public report on the results of the audit of the November 2008 election, nor was there a full report on the audit of the 2006 general election. Add the following: "Audit results will be reported to the Board in a timely fashion."

6) Ballots - The Government Accountability Board should develop a ballot assistance program for local election administrators. This would be more efficient than counties and municipalities researching and establishing these items individually.

This would have three elements:

- Develop and continually evaluate data-based guidelines for the number of ballots to be printed for each election.
- Develop a program of providing assistance to public and private print shops that wish to become ballot printers.
- Develop expertise in ballot design guidelines in order to minimize voter uncertainty, confusion and errors, using reports from the Election Assistance Commission, the Brennan Center, and AIGA.

Robinson, Nathaniel E - GAB

From: GAB HelpDesk
Sent: Wednesday, July 22, 2009 12:08 PM
To: Robinson, Nathaniel E - GAB
Subject: comments on 5-year plan

From: James Hanson [mailto:loljimbo@hotmail.com]
Sent: Wednesday, July 22, 2009 12:07 PM
To: GAB HelpDesk
Subject: comments on 5-year plan

July 22, 2009

Comments related to Wisconsin's Election Administration Draft Plan 2009-2014

Government Accountability Board

Dear Sirs,

I welcome this opportunity to comment on the very extensive draft of your potential plans for Wisconsin Elections Process as published on your website. I compliment you on the comprehensive approach you present. It will take a great deal of hard work, thought and citizen involvement to work through the many questions provoked by your document. I will limit my comments to just a few of your plans because much of what you suggest I will have to wait and follow your deliberations.

One area that I want to comment on is the recommendation to change Wisconsin election law regarding the definitions of "resident/residency". By highlighting the lack of precision and coherence in the present statutes, you call attention to a flaw in one of the central laws regarding who is eligible to vote in Wisconsin. I agree that the definition needs to be more precise and consistent. I, however, suggest that such a change should not be delayed until 2011-2012. Changing the statutes is not a cost item. The legislature can address this now and could provide clear statutory definitions for the spring 2010 elections. It seems to me that Wisconsin voters and those working at our polls deserve your attention to this change right now. I suggest that you make getting a clear, precise definition of the words "resident/residency" a priority and that you request this of the legislature right away.

As I read over your plans for changes to the absentee voting process, I cannot help but note that your proposed changes do not mesh with your stated over-all goal # 2 "Preserve and Protect and Advance Voting Integrity—Ensure Open, Fair, Transparent Elections". All of the changes you are going to look at seem to diminish the integrity and security of the absentee process. I was under the impression that your proposal to consider Early Voting was motivated by an interest in reducing the number of people voting absentee to those who are in the military, those who cannot physically get to the polls and those who are not in the state at the time of voting. The proposed changes to absentee voting that you will consider give great concern for the security of the absentee ballot process. To me, as a voter, that is not acceptable. Your deadline of implementation of this by the 2010 Spring Primary elections leaves absolutely minimal time for public discussion of these changes. A great deal of the last minute chaos at the polls revolves around the pressure on the clerks to accommodate the absentee voting process. The security of this process and these ballots has changed the course of elections throughout the United States recently. How will your proposed changes protect Wisconsin elections from potential fraud?

I, also, noticed that the funding you are requesting for "Ensuring Integrity and Security of Voting Systems" is the lowest dollar amount in your budget. It would seem to me that this is the main responsibility of the Government Accountability Board and I am surprised that your request is so minimal. Why?

One other area of comment relates to the make-up of the Elections Administration Council. As I read through the names and affiliations, it appears that most members are election officials. Two of the members represent people with disabilities and the other two members represent organizations—the League of Women Voters and the Citizen Action Council. There are no members who are non-affiliated citizens representing the voting public.

There is no representation from the two major political parties. The only two organizations represented share a similar political point of view when one reads over their websites. I think the public at-large needs to be seated at your table.

One last point: As a life-long Wisconsin resident and a registered voter, I welcome the opportunity to comment on your plans. I did find it a challenge to read and comment in just a 30-day window. The Early Voting proposal public comment period has a longer time frame and provides for comment opportunities around the state. I am surprised that public comment on the 5-year plan was not scheduled in conjunction with the Early Voting public comment meetings to allow more citizens to actually attend and participate in the public comment period. I think this whole plan would have benefitted from this additional public participation.

Thank you for your attention to my concerns.

Mary Ann Hanson
3740 Mountain Drive
Brookfield, Wisconsin 53045

Robinson, Nathaniel E - GAB

From: GAB HelpDesk
Sent: Thursday, July 23, 2009 9:30 AM
To: Robinson, Nathaniel E - GAB
Subject: FW: questions re: 5 year plan

From: Shelley Mathison [mailto:smathison4@wi.rr.com]
Sent: Thursday, July 23, 2009 8:57 AM
To: GAB HelpDesk
Cc: sen.kedzie@legisstate.wi.us; rep.newcomer@legis.state.wi.us; sen.Miller@legis.wisconsin.gov;
 rep.Pocan@legis.wisconsin.gov; sen.Darling@legis.wisconsin.gov; rep.Vos@legis.wisconsin.gov;
 rep.Smith@legis.wisconsin.gov; rep.Stone@legis.wisconsin.gov; rep.Pridemore@legis.wisconsin.gov;
 rep.Roth@legis.wisconsin.gov; sen.Coggs@legis.wisconsin.gov; sen.Lasee@legis.wisconsin.gov;
 sen.Grothman@legis.wisconsin.gov
Subject: questions re: 5 year plan

July 23, 2009

To All Concerned:

I'm writing as a citizen with several questions & concerns regarding Wisconsin's Election Administration Draft Plan 2009-2014. There obviously has been much time and effort put into this draft but I have noticed some items that I would like addressed.

- 1) How many officials involved with program management, implementation, monitoring and evaluation are on the payroll and what are the salaries? \$7,245,000 is a huge amount of money.
- 2) Why are the changes to absentee voting on such a fast track? I truly object to the "looseness" of the suggested changes including eliminating the written application, certificate envelope & witness requirements, the use of fax or email, etc. All of this provides much less security.
- 3) I would like to see a system of early voting such as they have in Texas, where citizens come into a facility & vote on a secure computer and all are assured of having their votes count. Why hasn't this been done & why isn't money directed to more computer use to provide this assurance for all citizens?
- 4) Again, why not more computer use statewide as is done in Sun Prairie & parts of Milwaukee which verifies addresses of registered voters? This would be welcomed by concerned citizens all around Wisconsin.
- 5) Why was the League of Women Voters the only group offered a contract to provide election observer training? This has been handpicked it seems & unfair to others of us who are willing, able & interested in preserving the right to vote in Wisconsin.

I would welcome responses to these questions soon and look forward to hearing from you. I understand that time is of the essence as the deadline for comments is the 27th. Unfortunately, I did not hear of this until yesterday.

Sincerely,
 Mrs. Shelley E. Mathison

Schmitt, Adam J - GAB

From: Kevin Morin [kdmorin6@sbcglobal.net]
Sent: Sunday, July 26, 2009 5:02 PM
To: GAB State Plan
Cc: Sen.Miller@legis.wisconsin.gov; Rep.Pocan@legis.wisconsin.gov;
Sen.Darling@legis.wisconsin.gov; Rep.Vos@legis.wisconsin.gov
Subject: Comments on 2009-2014 Election Admin Draft Plan
Attachments: 2009-2014 Election Admin Draft Plan Feedback.doc

Please review my attached comments on the proposed 2009-2014 Election Administration Plan for Wisconsin.

Thank you:

When I reviewed the 2009-2014 election administration draft plan for Wisconsin, my concerns centered on two of the five stated guiding principles and values - preserve, protect and advance voting integrity and collaborate with our customers and policy makers.

It is interesting to note that while it is stated that there is a "continuing" commitment to consult (et al) with voters, a large percentage of the state's electorate have no representation on the very committee that designed this draft plan. With a greater diversity of members, there is a higher probability of better, more complete recommendations. Differing perspectives and different priorities usually produce more well-rounded policy. This would seem to be even more important with something as crucial and foundational as the administration of elections. The tainted process has diminished the product and probably helps to explain my concern with the apparent lack of attention in the plan to preserving, protecting and advancing voting integrity.

As stated in the introduction of the plan, "The mission of the Wisconsin Government Accountability Board is to enhance representative democracy by ensuring the integrity of the electoral process". An entity's "mission" is its' purpose, its' reason for existence. In that respect, the value of preserving voting integrity is paramount. It should take precedence over all other concerns. It should be addressed in every proposal. That is not evident in this plan.

The aforementioned problems lead to a third concern in the plan – the state-based administrative complaint procedures. There is a four paragraph description of complaint procedure on page 69. Given the incomplete representation of citizens on the state plan committee and the lack of focus on voting integrity in the plan, more information about specific procedures for recourse/relief is needed.

Below are some specific examples of questions I had while reviewing the plan:

- pg 14 B – expand geographic area in which election inspector may serve – who decides? - local control issue?
 - pg 15 E – define "witness" – any qualifications, such as stated for corroborator?
 - pg 14 C – electronic poll books – any problems reported by other states?
 - pg 13 E – all electors give only 1 request to automatically receive ballots for all elections – duplication, security, transience issues?
 - pg 13 C & D – allow fax signature and return of noted ballot by fax or email – security issue?
 - pg 10 – how does Wisconsin's HAVA implementation legislation fulfill HAVA's identification requirement?
 - pg 16 C – standardize voter verification procedures – how reliable is the current postcard verification process? Are changes needed here for the preservation of voting integrity?
- ...and the list continues.

Thank you for your consideration of my comments.

Sincerely,
Debbie Morin

Schmitt, Adam J - GAB

From: Rossman, Steven R - GAB on behalf of GAB HelpDesk
Sent: Tuesday, July 28, 2009 8:59 AM
To: Robinson, Nathaniel E - GAB
Cc: Schmitt, Adam J - GAB
Subject: FW: Comments, Questions, and Suggestions Regarding July 28th Public Hearing for the Election Division.
Importance: High
Attachments: Public Hearing.docx

Public Comments – 5 year plan

Thank you,

Elections Help Desk

Government Accountability Board

Desk - 608.261.2028

gabhhelpdesk@wisconsin.gov

From: Deborah Ann Speckmann [mailto:daspeckmann@charter.net]
Sent: Sunday, July 26, 2009 10:23 PM
To: GAB HelpDesk
Subject: Comments, Questions, and Suggestions Regarding July 28th Public Hearing for the Election Division.
Importance: High

Attached are my Comments, Questions, and Suggestions Regarding the 2009 – 2014 Election Administration Manual Draft Plan.,

Deborah Ann Speckmann

6823 Raymond Road
Madison, WI 53719-3955
Home and Fax: 608-442-9144
Cell: 608-444-2965

Comments, Suggestions and Questions
Submitted for the Public Hearing on Elections
July 28, 2009 by
Deborah Ann Speckmann

Wisconsin's 2009 – 2014 Election Administration Draft Manual
2009-2014 Election Administration Initiatives

2. Absentee Voting

D. Allow the return of the voted ballot by fax or e-mail. I trust that the identifying information of name and address will be included with the ballot just as the voter has to provide it when voting in person to verify that they indeed are the person submitting the ballot. I trust that the Poll List will be updated with the appropriate "A" next to the person's name indicating that they have voted, or the SVRS will be appropriately updated (appropriately means either the ballots actually put through the voting machine and placed in the appropriate municipalities' district/ward,, or placed in the appropriate municipalities' district/ward Chief Inspector's tote.

E. Once an Absentee Ballot has been requested, at least in Madison, you will automatically receive Absentee Ballots for subsequent Elections until you stop voting. then you receive a verifying postcard. Other municipalities must have some type of like system.

F. Allow solely "vote by mail". This would require centralized municipality processing of ballots over a period of time. This would have to almost be a City Clerk lead decision to the electorate then to the Legislature. This really would not work without Clerk total pre-affirmation, or so I would believe given the amount of people and paper intensive process that an endeavor of this would entail.

3. Polling Place Information

A. We put upwards of 25-30 signs per Election Polling Place in the City of Madison, or so I did at the two sites I worked at over the years. Does anyone look at them? No. We tape sample ballots and registration forms on the tables and almost have to "force people to read them." To have municipalities expend funds to provide voters with brochures would be a colossal waste of money in this economy. I would suggest some of the following as more efficient and less costly ways of getting voter information out to the public: Use would be newspaper inserts, the form on the web, on the sides of buses as well as brochures inside the buses, at the library all municipal and county buildings where there are waiting rooms, churches, community centers, shopping malls waiting areas, public service announcements, etc.

B. Poll Worker eligibility to work statewide would be fine as long as they were paid mileage and for overnight before and after Election Day given the hours they are expected to work on Election Day (6:15 a.m. – anytime past 8:00 p.m. which could be up to midnight) with no

questions asked beyond 55 miles from home address, plus pay during hours worked with differential.

However, nothing prevents fraud than Poll Worker familiarity. In the two Polls that I worked at there were at least 3-5 Poll Workers who knew the majority of voters by name (plus who had died, which helped the Clerk work on getting deceased voters off our Poll Lists). You would lose this check and balance by not using neighborhood Poll Workers.

C. The use of Electronic Poll Books as long as they are real-time and can be updated on the spot.

D. If Chief Inspectors did their homework and took advantage of all the training their Clerks offered they wouldn't need to talk to the Clerk other than to call in counts, or order forms. Now I realize the City of Madison may have an exceptional Clerk who has training of Poll Workers, and getting input throughout the year prior to Elections, and believes in having an up-to-date Election Manual, and others are not as fortunate who need this. Here is a suggestion: Tap into the City of Madison's City Clerk's Program, especially if you are going to be turning Early Voting over to the County Clerk!

Section 3

Voter Education, Election Official Education and Training and Poll Worker Training

Special Registration Deputies

Is one to infer from the 2nd paragraph that G.A.B. *collaborated with/cooperated with/knowingly/solicited the help* of the League of Women Voters in the registering of voters during 2008. The League of Women Voters is not a community organization or a registered political organization (Democrat, Republican, Green or Libertarian), its' a lobbyist even if it does not get paid. How does an Agency who is responsible for ensuring that others are not touched by influence pedaling list a know lobbyist as being engaged in the securing the ability on one's inalienable rights, the right to vote.

An Examination of Early Voting in Wisconsin An In-Depth Review and Analysis

Review

2nd Paragraph – There is an indication that Early Voting will reduce the number of incorrectly cast ballots. How? This phenomenon is not due to anything controlled by the election system, but is a factor of voter negligence/lack of knowledge. Were your statistics aged based? I have worked in two polls over the years and it was more likely middle-aged people who completed the error in elections where you could only vote by party. Secondly, is Early Voting going to give them more than the present number of chances to get a correct ballot, so that they will ultimately cast a viable ballot? If not, this is you, G.A.B., setting a scenario to disenfranchise citizens for no justifiable reason?

Definitions

1. If the ballots are not reconciled in some manner at the beginning and end of each day by a separate entity, how is the integrity of those votes casts guaranteed? As for immediately – The sum total of these ballots which “supposedly” have been cast by “municipality and distinct ward/district” need to be transferred to that specific municipalities’ ward/district so that at the end of the night the election results match their voting records, or eliminate the poll-worker and election inspector sign-off because they will never reconcile and cannot be held accountable.
2. See Number 1 above. In addition, during Early Voting the SVRS must be updated with the fact the voter has cast a ballot, so that the daily reconciliations are accurate, and on Election Day the poll workers are aware that a voter has Early Voted. So a new voter designation needs to be devised. May I suggest “EV”?

Goals that Electors Early Voting to Address

The 2nd point – See Number 1 in the above Section.

Background

2. The potential for fraud was just glossed over while in reality with Wisconsin’s law of not asking for identification when one goes to vote there is both a potential for an increase in fraud and disenfranchisement, and as written no resolution for same. The advantage of voting on Election Day is that at each Poll there are at least 1-3 poll workers who have worked there a number of years and know the majority of voters by first name, or so have been my experience from working in two large Wards. This would not be the case in Early Voting Sites. Anyone could come in and identify themselves as a person just by pulling a name and address out of the telephone book, and if not registered indicate “I thought I was and say what do I need to register and I need to come back, and go on to the next site and try a different name. If they found they had that they had voted before, “They could say that they changed their mind and thought that they could re-vote.”, again – no harm – no foul. If a person goes into the system themselves, they have to provide their birth date; I do not know why this information cannot be requested when you come to vote just as a matter of due course to eliminate fraud.

On the other hand for the person who truly belongs to that name and address, when they come to vote, it is my understanding they are told they have voted, and there is no recourse for them to cast a ballot, so they are disenfranchised. There are so many Federal and State Constitutional issues being violated here, just because a person is being refused to prove who he/she really is in order to vote, and that we don’t have a mechanism to allow such a circumstance.

A Provisional Ballot has been used when a new Registrant has not had sufficient documentation, or they do not show-up on the Poll list as being recently or otherwise registered, and has been given 24 hours to take that document to the Clerk to have that ballot cast. Why can’t that Provisional Ballot be adapted in another color and format to include the person’s name, complete address, daytime telephone number, WI ID and certification that

another ballot was not cast, the Chief Inspector's Sign-off. I would suggest that this ballot be identified as a "PVF (Provisional Vote Replacing a Ballot cast in Fraud)". This will put the Election Night numbers off, but in an exceptional manner because the integrity of the voter has been maintained.

Early Vote States Best Practices

1. Period - Again, Early Voting needs to end giving the Clerks sufficient time to update the various municipalities' districts'/wards' machines as stated above, to ensure SVRS in properly updated if it is going to be used on site (I would presume specific Polling locations would be able to pull up their individual voters and see if they had voted, and if not indicate that they tried to vote, challenged the vote and were remedied as indicated above, or just voted.), or ensure that the Poll Books had the above information. **A separate list is not expectable!** We already have a Corrections List, several Supplemental Lists coming through out the day, a Court Ordered List to monitor, and an on-site Registration List; what we don't need is another list, especially when we get one copy and have to share it among at list 4-8 people (not the Court Ordered List).

3. Staff - If the SVRS is being used I supposed that one person could be inputting the data and one person could be watching the machine in case of errors or breakdowns, however what about breaks, or emergencies, or even voter registration, three people are needed at a minimum. If SVRS isn't being used and paper and pen is being used it up to five especially during regular worker lunch and evening hours. Since we were told at least one of the authors of this Project had never worked in a Poll, please leave decisions like this to the individual Clerks discretion!

4. Same Day Registration - One would expect the SVRS to be sophisticated enough that when you entered a person's information it should automatically tell you where the person votes. I just checked and it can be done by address, so I do not know why this is a concern?

5-6. E-Poll Lists and Equipment - This would be wonderful but we are in the middle of a bi-annual budget where they had to borrow from the second year to pay for the first year, so how are municipalities supposed to provide for even SVSR access at their Polls, and purchase this DRE equipment? Further, given the average age of the Poll Workers in Madison, if we could find sufficient sites which where SVRS is compatible, we'd have to start paid training at the beginning of the year for the February Primary; it is not feasible or realistic to start with a larger election, i.e., April 2010 General Election.

7. Security - I do not understand why you would be restricting an Early Voter from receiving a 2nd ballot if their 1st ballot was an error. Essentially, you are denying their right to vote? What does "...to restrict early voters from receiving a second ballot on Election Day, and wait to tabulate results until Election Day." Have to do with their right to cast a valid vote during Early Voting?

8. Please explain how just because the DRE can hold a number of different ballot styles we make the leap to having a paper trail by not having any printed ballots?

Recommendation

Core Early Voting Guidelines

2, 4. See, related to Hours and Poll Lists, above.

In addition, the idea that Early Voter Poll Workers would be responsible for creating extensive/complicated spreadsheets for use on Election Day at the Individual Polls within SVRS to be printed is ludicrous. Why won't a Poll Worker be able to pull up an alphabetized list of his/her Poll showing who has voted at their Poll at the opening of the Poll and work on line?

Option A: Regional Early Voting Districts

Option A: Guidelines:

One of considerations associated with going to this Regional Option is that in some cases, if not all, Municipalities will lose control of their individual Election processes.

1. See Numbers 2 and 4 above.
2. I trust that there will be transparency to the Chief Inspectors and the Poll Workers as to how things are handled during Early Voting versus Election Day. The rules/procedures must be consistent and frankly if the same Poll Workers are used on Election Day the Chain of Command thus reverts to the Chief Inspector alone, and for the Chief Inspector it is only the City Clerk. If procedures are changed, the Chief Inspectors need to bring in during the 20 Early Voting Days to become familiar with the new policy and procedural changes.
3. See **Early Vote-States Best Practices**, Number 3 – Staff.
4. See **Early Vote-States Best Practices**, Number 1 – Period.

Option B: Municipalities May Opt into Early Voting as Desired

If the only difference between Option A and Option B is whether or the Clerk opts not to use their Office for Early Voting - I do not understand how this is an issue. As it stands, according to my understanding, the Clerk's staff is not responsible for staffing Early Voting so why should it matter, other than the space (but if the County Clerk is now going to be responsible for Early Voting this should no longer be an issue.). All that the Clerk essentially needs to do is designate another Early Vote site or so, or am I missing something? For uniformity throughout the State I would recommend the eliminate the walk-in absentee voting; the right to cast an absentee ballot by anyone is still guaranteed, it just can't be done by walking into the Clerk's Office, which should not be a problem.

Option B Guidelines:

1. See Numbers 2 and 4 above.
2. See **Early Vote-States Best Practices**, Number 3 - Staff.
3. See **Early Vote-States Best Practices**, Number 1 – Period.

Option C: No Early Voting but Absentee Voting Process is Streamlined

Option C Guidelines:

3. "Absentee voting locations would be open during regular business hours." We were told that would be "7:00 a.m. – 8:00 p.m. That seems extreme for twenty days of Early Voting for all sites. I would have expected some history to have been developed between the Site Coordinators and the Clerks and the hours to be adjusted by the Clerk.

6. Absentee ballots are sent to everyone who voted in the previous election. The Opening Procedures for opening a Poll are usually completed by 5 people, and for many that includes setting up the chairs, tables, outdoor signs (going to the basement and getting them along with the toolbox containing the Registration forms), setting up the voting machines and the tabular, sign-off at least a package of ballots for the early rush, do payroll, and some will have to bring machines on-line, familiarize people with new processes, up-date for information coming from the Clerk, and you want them to check off upwards of 100s of absentee names and addresses to at the least two paper lists if that is all they have to do in 45 minutes before the Polls open! Do you know who will have to do this, probably unpaid time as the Poll Books are gotten ready for the Poll Workers, the Chief Inspector! The laughable thing is, is that all the absentee voters from the last election will undoubtedly not vote absentee in the April 2010 Election, so think of all that wasted time!

Second, since we have no idea whose ballot is whose, how are we going to satisfy the Election Observers that Jane Schmidt actually did vote, and that that was indeed her ballot that went through the tabulator, and further, as I am recording these ballots as being marked on the Poll lists from your lists generated by who knows and were the ballots valid (?) at the first checking, because I will be checking the ballots for clarity before they go through the tabular? So, which voter's ballot am I rejecting?

Oh, and why they can't be checked off during the day; it is too difficult because it holds up the line (which G.A.B. objects to, and we have tried the doing two and three at a time and it is just as annoying to people), and both Poll Books must be used in tandem, and the public gets frustrated no matter which way we handle new voters, and to slip our voting numbers is problematic.

Pilot Programs

Most municipalities do utilize laptops. They may either be assigned or assignable. If G.A.B. has laptops for training purposes, municipalities could be encouraged/guided to participate with the suggestion that they use their Clerk's Office, 2-4 Social Service agencies (since this is a combined municipality/County effort), have a reasonable expectation of hours for Early Voting. In addition, G.A.B. could provide more reasonable funds to cover realistic staffing, and help municipalities in the joint process of the necessary DRE's (Hint: By them in bulk from the State and lease them back to the municipalities, or something creative). Then prior to Election Day, the municipalities could collect all available laptops

(training usually occurs that week before), make sure SVRS is accessible and viable (have their tech staff trained and available on Election morning at 6:00 a.m.) and comfortable to use by at least those Poll Workers at each Poll who will be updating data.

There is also a reality that Early Voting does not fit every municipality.

This has been an interesting first look. Too bad, we did not have more time, and weren't asked earlier.

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Schmitt, Adam J - GAB

From: Ellen Theisen [ellen@votersunite.org]
Sent: Monday, July 27, 2009 12:57 PM
To: GAB State Plan
Cc: knickolaus@waukeshacounty.gov; brenda.jaszewski@co.washington.wi.us; LWeiner@milwcnty.com; clerk@vil.prentice.wi.gov; villageofcatawba@yahoo.com; twnwor@pctcnet.net; townofprentice@pctcnet.net; wein46@centurytel.net; dingus888@hotmail.com; Carol Suto; bluedogsupnorth@hotmail.com; clerkoffield@centurytel.net; tofemery@pctcnet.net; townofelk@pctcnet.net; eisenstn@pctcnet.net; tomiron@centurytel.net; mary3488breunig@yahoo.com; kpierce@maqs.net; kaiser@maqs.net; callor@uniontel.net; quincy@mwwb.net; snemitz@maqs.net; townofeola@gmail.com; cpeglerjacksonclerk@gmail.com; dellprairieclerk@yahoo.com; wayjeffam@verizon.net; Hein, Ross D - GAB; Rep.pocan@legis.wisconsin.gov; Rep.lemahieu@legis.wisconsin.gov; Rep.gunderson@legis.wisconsin.gov
Subject: Comments on the GAB's 2009-2014 Election Administration Draft Plan
Attachments: TheisenCommentsToGAB_07-27-09.pdf

My name is Ellen Theisen. I am the previous president of the now closed-for-business Vote-PAD, Inc. I appreciate the opportunity to comment on the Government Accountability Board's 2009-2014 Election Administration Draft Plan. My comments relate to the voting system initiative to "Re-evaluate Vote-PAD's Certification as Accessible Device." Because Vote-PAD, Inc. is no longer in business, I have no financial interest in this initiative. My only interest is in ensuring fair and equitable treatment for the Vote-PAD and the municipalities that currently use it. If the GAB re-evaluates the Vote-PAD, fairness dictates that the GAB must re-evaluate the accessibility of the AutoMark, AVC Edge, TSx, and other devices as well.

My comments in full are in the attached pdf file.

Respectfully,

Ellen Theisen
Director
www.VotersUnite.Org

**Comments on the
Government Accountability Board's
2009-2014 Election Administration Draft Plan**

July 27, 2009

My name is Ellen Theisen. I am the previous president of the now closed-for-business Vote-PAD, Inc. I appreciate the opportunity to comment on the Government Accountability Board's 2009-2014 Election Administration Draft Plan. My comments relate to the voting system initiative to "Re-evaluate Vote-PAD's Certification as Accessible Device."

Because Vote-PAD, Inc. is no longer in business, I have no financial interest in this initiative. My only interest is in ensuring fair and equitable treatment for the Vote-PAD and the municipalities that currently use it. If the GAB re-evaluates the Vote-PAD, fairness dictates that the GAB must re-evaluate the accessibility of the AutoMark, AVC Edge, TSx, and other devices as well.

The reason the GAB has given for the re-evaluation of the Vote-PAD is: *"While the Vote-PAD system will allow some individuals with disabilities to vote, it may not provide full privacy and independence in all aspects of the voting process to individuals with a broad range of disabilities, including individuals with dexterity challenges."*

I object to the initiative referenced above for three reasons, which I explain below:

- 1) There have been no complaints lodged against the Vote-PAD by any voters with disabilities.
 - 2) Accessibility failures of other systems approved for use in Wisconsin have been documented in Wisconsin and elsewhere, yet none of these systems has been recommended for re-evaluation.
 - 3) Past events call into question the objectivity of Alicia Sidman, the advisor who recommended the re-evaluation.
- 1) There have been no complaints lodged against the Vote-PAD by any voters with disabilities.**

I spoke with Ross Hein on Tuesday, July 21, 2009. He told me that no voters with disabilities have lodged accessibility complaints against the Vote-PAD.

- 2) Accessibility failures of other systems approved for use in Wisconsin have been documented in Wisconsin and elsewhere, yet none of these systems has been recommended for re-evaluation.**

ES&S AutoMark. Many regard the AutoMark as the most accessible of the computerized devices currently available. However, on October 28, 2008, WKOWTV.com in Madison reported that Lori Bond and other blind voters were unable to vote independently on the AutoMark (http://www.wkowitz.com/Global/story.asp?S=9255798&nav=menu1362_2):

"When she tried voting on the only automark [sic] machine at the clerks [sic] office, the machine was giving her an error message.

"Then when that was fixed, her ballot wouldn't print.

"Bond was told the machine was out of ink.

"At that point, Bond had to ask someone to fill out her ballot for her, which is allowed by Wisconsin law. ...

"The Dane County Chapter of the National Federation of the Blind says they have received at least two other calls from voters who experienced the same thing."

Sequoia AVC Edge. Flaws in the usability of the sip-puff feature make it impossible for voters with dexterity impairments to vote independently. The screen blanks when the sip-puff feature is in use, audio instructions are unusable, and help screen are unavailable. The consultant's report from the certification testing in California explains these usability flaws that make the system inaccessible to voters with dexterity impairments.

"The implementation of a Sip and Puff device requires the voter to use an audio ballot. The instructions provided to the voter are for the operation of the audio ballot with the audio ballot keypad. Accordingly, the system provides inappropriate and unusable instructions to the voter. The screen is blanked out because the machine is in audio ballot mode. When the ballot is printed, the voter has no option to reject the ballot. The voter using the sip and puff device has no access to the help screens. To navigate the ballot, the voter can only go forward, either through the races or through the candidates within a race. At the end of the races or candidates, the voter can go forward and loop back through the items."

(http://www.sos.ca.gov/elections/voting_systems/sequoia_consultant_report.pdf, page 2.)

The version of the Edge referenced in the report is the same version approved for use in Wisconsin – version 5.0.24 with VeriVote Printer.

Diebold TSx. The TSx used in Wisconsin does not offer sip-puff functionality at all. (See http://www.sos.ca.gov/elections/voting_systems/diebold_2005_06_staffreport_final.pdf, page 12). The version of the TSx approved for use in Wisconsin (4.6.3) is a slightly earlier version than the version (4.6.4) the report states does not yet support sip-puff technology.

The accessibility failures of these accessibility devices are each a violation of WI Stats. §5.91(10), which requires of all approved voting equipment [emphasis mine]:

"[The voting device] is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots."

Accessibility devices that are inaccessible are clearly not suitably designed for the purpose used. The failures may even constitute an un-merchantable product as defined by WI Stats §402.314(2)c which requires that merchantable goods be "*fit for the ordinary purposes for which such goods are used.*"

3) Past events call into question the objectivity of Alicia Sidman, the advisor who recommended the re-evaluation.

When I spoke with Mr. Hein on July 21, 2009, he also told me that the re-evaluation of the Vote-PAD was recommended by the GAB's accessibility advisors, one of whom is Alicia Sidman. In 2006, Ms. Sidman made a campaign of opposing the approval and use of the Vote-PAD in Wisconsin. Her use of misinformation and threats in that campaign call into question the objectivity of her recommendation to the GAB.

- ◆ January 18, 2006. Despite successful use of the Vote-PAD during the Wisconsin State Election Board's mock election and the Election Administrative Council's subsequent recommendation for approval, Ms. Sidman opposed approval of the Vote-PAD during the initial hearing by the Wisconsin State Election Board. The SEB did not consider her speculative arguments convincing. Subsequently, the SEB members were supported in their opinion when the U.S. Department of Justice examined the Vote-PAD and found no reason for Wisconsin to deny its certification. (<http://www.vote-pad.us/SBE-EmailReDOJ.pdf>)
- ◆ On March 15, 2006, Ms. Sidman and Jodi Hanna from Disability Rights Wisconsin wrote a letter to the Wisconsin State Election Board objecting to the approval of the Vote-PAD. They warned about potential lawsuits, speculated about potential loss of federal funding, and used specious arguments to attempt to persuade the SEB to withdraw its approval. (<http://www.vote-pad.us/DisabilityRightsToSEB.pdf>). For example:

Ms. Sidman's letter claimed that the Vote-PAD did not meet federal accessibility standards. However, the then-current federal accessibility standards applied only to computerized voting systems; there were no guidelines for non-computerized devices such as the Vote-PAD. Acknowledging this fact, the Wisconsin State Election Board declared *"As a non-electronic voting system, Vote-PAD is not required to be qualified to the federal Voluntary Voting System Standards."* (<http://elections.state.wi.us/docview.asp?docid=6529&locid=47>).

Ms. Sidman's letter also stated: *"People from the disability community in Wisconsin who have tested the Vote-PAD and found it is inaccessible are not alone."* However, the only people who tested the Vote-PAD in Wisconsin used it during the Wisconsin State Election Board's mock election. Twenty organizations were invited to the mock election; three people showed up. The two vision-impaired people and the one dexterity-impaired person who tested it stated in their exit interviews that they were able to vote independently. **Contrary to Ms. Sidman's statement, they did not find it inaccessible.** The dexterity-impaired tester gave it very positive comments.

We responded in full to her letter at the time and received no response from her. (<http://www.vote-pad.us/ResponseToDisabilityRightsWI.pdf>.)

- ◆ March 22, 2006. At the request of the Survival Coalition of Wisconsin Disabilities Organizations, the Wisconsin State Election Board reviewed its approval of the Vote-PAD. (See <http://elections.state.wi.us/docview.asp?docid=6536&locid=47>.)

Representing the disabilities organizations at the SEB's hearing were Alicia Sidman, Jodi Hanna, and Michael Huckaby, one of the blind testers who voted successfully and independently on the Vote-PAD in Wisconsin's mock election. Ms. Sidman and Mr. Huckaby both claimed the device was inaccessible. However, two people with disabilities - one dexterity-impaired woman from Florida and one blind woman from Philadelphia - had volunteered to travel to Wisconsin, attend the hearing pro bono, and attest to the accessibility of the device from their own personal experience. Because of their testimony, no member of the SEB even made a motion to reconsider the approval, so the approval was upheld.

- ◆ On April 10, 2006, Ms. Sidman sent a letter to the Wisconsin clerks in municipalities that hand-counted paper ballots, continuing her campaign to defeat the use of the Vote-PAD in Wisconsin. (<http://www.vote-pad.us/DisabilityRightsToClerks.pdf>.) She used falsehoods and veiled threats to persuade the clerks not to purchase the Vote-PAD.

Two examples of her misinformation and threats:

1 - Ms. Sidman stated in the letter, *"Unlike the other products currently approved by the State Elections Board, the Vote-PAD did not have to demonstrate that it meets any level of accessibility."* This statement is patently false. The truth is that, unlike the other products, the Vote-PAD was subjected to testing by people with disabilities and passed the testing with unanimous agreement by the testers. Then, the Election Administrative Council – which included members with disabilities – examined and tested the Vote-PAD, found it to be accessible, and recommended approval.

2 - In her letter to the clerks, Ms. Sidman also made vague threats, some of which were based on false information. The letter said:

"Voters with disabilities who are not able to vote privately and independently using the Vote-PAD may make a complaint with the federal Department of Justice or they may sue the State of Wisconsin, the SEB and municipalities for violations of their rights. Either the individuals or the Department of Justice may bring a legal action for an injunction to prevent use of the system and/or claims for declaratory judgment, damages and attorney's fees. In addition, voters with disabilities may ask the federal government to block funding or reimbursement for purchase of an inaccessible system in violation of HAVA."

Contrary to Ms. Sidman's claims, HAVA does not provide for individual citizens to lodge complaints with the Department of Justice, but only with their own state. While other potential actions referenced in Ms. Sidman's letter may be allowed by law, they are actions that may also be brought against other voting devices. However, by representing these extreme and threatening actions as a realistic eventuality for the jurisdictions using the Vote-PAD, Ms. Sidman's words were understandably taken by some municipalities as a threat. Indeed, one of the town clerks who purchased the Vote-PAD expressed her outrage to the State Election Board (<http://www.vote-pad.us/APRIL17LETTERTOSEB.pdf>).

On advice from our attorney, I sent a letter to Ms. Sidman, warning that her action might be unlawful. (<http://www.vote-pad.us/AliciaSidmanLetter.pdf>) I said in part:

"My attorney advises me that in Washington State, it is unlawful for a person to disseminate inaccurate information about a product in an attempt to prevent purchases of that product. Since your letter explicitly states that you are discouraging the clerks from purchasing the Vote-PAD, your use of inaccurate information may be unlawful in Wisconsin."

"I am advising you of this so that in any future communications with the clerks, you will not repeat this mistaken and misleading information."

As far as I know, Ms. Sidman then stopped using misinformation to oppose the use of the Vote-PAD, but her campaign had already been successful. We heard from clerks who refused to consider the Vote-PAD because of the fear Ms. Sidman's letter instilled in them.

Conclusion. If the Wisconsin Government Accountability Board decides to re-evaluate the Vote-PAD, fairness requires that the Board also re-evaluate the other devices approved for accessible voting in Wisconsin.

Furthermore, fairness also requires that the Board use the exact same procedure to re-evaluate all the devices. It is certainly appropriate for any device purported to be accessible to be tested by people for whom the device is intended – people with disabilities. However, if the Board re-evaluates the accessibility of its voting devices, it should subject them all – not just the Vote-PAD – to testing by their intended users.

Any testing should have a particular emphasis on determining the fitness of use and merchantability of every accessibility voting device certified for use in the state of Wisconsin by uniformly applying WI Stats §5.91(10) and WI Stats §402 to all such voting devices. To single out the Vote-PAD for such re-evaluation is a capricious and arbitrary application of the authority granted to the GAB by the legislature.

Respectfully,

Ellen Theisen
660 Jefferson Ave. 360-437-9922
Port Ludlow, WA 98365 ellen@votersunite.org

cc: State Representative Scott Gunderson
State Representative Daniel LeMahieu
State Representative Mark Pocan
Ross Hein, Elections Specialist, Government Accountability Board
Joyce Jefferson, Town of Adams Clerk, Adams County
Joni Gehrke, Town of Dell Prairie Clerk, Adams County
Candace Pegler, Town of Jackson Clerk, Adams County
Sue Prince, Town of Leola Clerk, Adams County
Scott Sorenson, Town of Preston Clerk, Adams County
Wanda Abfall, Town of Quincy Clerk, Adams County
Loreen Hooks, Town of Richfield Clerk, Adams County
Carolyn Limberger, Town of Springville Clerk, Adams County
Kathleen M. Pierce, Village of Friendship Clerk, Adams County
Mary Breunig, Town of Buffalo Clerk, Buffalo County
Opal Roberts, Town of Mercer Clerk, Iron County
Elizabeth Palecek, Town of Eisenstein Clerk, Price County
Debbie Pflanz, Town of Elk Clerk, Price County
Violet R. Dunbar, Town of Emery Clerk, Price County
Sally Putnam, Town of Fifield Clerk, Price County
Teresa Blue, Town of Flambeau Clerk, Price County
Carol Lyn Suto, Town of Harmony Clerk, Price County
Devon Ceylor, Town of Kennan Clerk, Price County
Jeanne Weinberger, Town of Lake Clerk, Price County
Amy Parisi, Town of Prentice Clerk, Price County
Mary Lou Kolnik, Town of Worcester Clerk, Price County
Shirley Kempen, Village of Catawba Clerk, Price County
Laurie Andrae, Village of Prentice Clerk, Price County
Lisa Weiner, Milwaukee County Clerk
Brenda Jaszewski, Washington County Clerk
Kathy Nickolaus, Waukesha County Clerk

Schmitt, Adam J - GAB

From: Buerger, David - GAB
Sent: Monday, July 27, 2009 3:42 PM
To: GAB State Plan
Subject: FW: Informal State Plan Feedback
Attachments: Wisconsin State Plan Checklist.doc

David Buerger
 Elections Specialist
 Wisconsin Government Accountability Board
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 (608) 267-0951

From: Mark Abbott [mailto:mabbotteac@gmail.com]
Sent: Monday, July 27, 2009 2:09 PM
To: Robinson, Nathaniel E - GAB; Buerger, David - GAB
Cc: havafunding@eac.gov; twilkey@eac.gov
Subject: Informal State Plan Feedback

Nat and David,

Thank you for the opportunity to comment on Wisconsin's draft State plan. The document is in very good shape and I see a number of areas I would consider a "best practice" for State plans (e.g. your five year plan, detailed performance goals, and a cumulative line item budget). There are a few small changes you could consider making prior to submitting your plan to EAC for publication.

1. Types of Funds. It appears you have combined three types of funds in your in your master budget Title I (101 & 102), 251 (Requirements Payments), and 261 (HHS polling place accessibility funds). We recommend that you distinguish either with a footnote or using separate budget tables which funds you will be using for which activities. I assume you are tracking expenditures by type of funds elsewhere, but it would be helpful to make the distinction in your plan as this will be the document of record for pre-approving allowable costs for your 251 funds.

HAVA §254 (6) speaks to this issue by requiring that specific information be identified:

1. costs of the activities required to be carried out to meet the requirements of title III;
2. the portion of the requirements payment which will be used to carry out activities to meet these Title III requirements;
3. the portion of requirements payments which will be used to carry out other activities.

Breaking down expenditures by type of fund will be helpful in ensuring that you are not expending more than the minimum payment amount (see certifications section below) on 'activities to improve the administration of federal elections' that are not covered under achieving Title III compliance.

Although I am not sure what your timeframe is for achieving Title III compliance, if it is within the five-year period covered by your plan, it would be helpful to identify how funds will continue to be expended after achieving compliance. This could be done by adding another budget table or a narrative section discussing what categories you will shift funds to once you are Title III compliant.

2. Certifications. We recommend that you file a HAVA §251(b)(2)(B) certification to use up to the minimum payment amount (currently that amount is \$12,671,803) on activities to improve the administration of federal elections other than meeting Title III for your 251 funds. Or, if you have achieved Title III compliance, we recommend that you file a §251(b)(2)(A) certification indicating such (see above if this is the case).

3. Equipment Costs. Computers, faxes and other low-cost technology that has a limited lifespan can be treated as supplies. I recommend moving equipment valued under \$2,500 to the supplies line item. Other items such as LAN cable is not equipment, per say, and I would include it under IT services in your budget.

Finally, it may be advantageous to you to seek a negotiated indirect costs rate with EAC. Once the rate is established a number of line items in your budget will fall under your indirect rate and not need to be broken out separately in your budget.

Please don't hesitate to call me if you have any questions. I have also attached a copy of the checklist we use to review plans once they are submitted to us.

--
Mark W. Abbott, PhD
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STATE PLAN SUBMISSION CHECKLIST

STATE: Wisconsin

#	Item	Staff/Date	Yes/No
1	Does the plan identify how the State will use the requirements of Title III or to carry out other activities to improve the administration of Federal elections, if the State has filed an appropriate certification?	JKR 7/27/2009	Yes
Comments: pg. 4-34			
2	Does the plan state how the State will distribute and monitor the distribution of requirements payments to units of local governments or other entities for carrying out the Title III activities and other activities for improving the administration of Federal elections?	JKR 7/27/09	N/A
Comments: pg. 35; the State will not distribute any funds to local entities			
2(a)	Does the plan identify the criteria to be used to determine the eligibility for subunits for receiving payments?	JKR 7/27/09	N/A
Comments: N/A			
2(b)	Does the plan discuss the methods the State will use to monitor the performance of the subunits to ensure the payments distributed will used consistent with the performance goals established by the plan?	JKR 7/27/09	N/A
Comments: N/A			
3	Does the plan cover how the state will provide for programs for voter education, election official education and training, and poll worker training?	JKR 7/27/09	Yes
Comments: pg. 36-45			
4	Does the plan state how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301?	JKR 7/27/09	Yes
Comments: pg. 46			
5	Does the plan describe how the State will establish a fund, consisting of matching funds, requirements payments, Section 101/102 if applicable, and interest earned on the fund, to be used to administer the State's activities in relation to HAVA?	JKR 7/27/09	Yes
Comments: pg. 47; will continue to deposit federal funds and state match funds			
6	Does the plan contain a budget based on the State's best estimates for the costs of the activities identified and cover the amount of funds to be made available?	JKR 7/27/09	Yes
Comments: pg. 48- 52; written to accommodate funds over next 5 years			
6(a)	Does the budget provide specific information on the costs of the activities required to be carried out to meet the requirements of Title III?	JKR 7/27/09	Yes
Comments: 48-52; doesn't specify specifically but can break it out; I'd recommend they file a certification to use up to the minimum payment amount should they wish to use Section 251 funds for non-Title III activities (which it appears they may be doing). Also, we may recommend they distinguish between Section 101 funds and Section 251 funds in the budget...			
6(b)	Does the budget provide specific information on the portion of the requirements payments which will be used to meet the requirements of Title III?	JKR 7/27/09	Yes

Comments: 48-52 same as above.			
6(c)	Does the budget provide specific information on the portion of the requirements payments which will be used to carry out other activities to improve the administration of Federal elections?	JKR 7/27/09	Yes
Comments: 48-52; same as above.			
7	Does the plan discuss how the State will maintain expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?	JKR 7/27/09	Yes
Comments: pg. 54			
8	Does the plan state how the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables, description of the criteria used to measure performance and the process used to develop such criteria, and the responsible official for each performance goal?	JKR 7/27/09	Yes
Comments: pg. 55-68			
9	Does the plan contain a description of the uniform, nondiscriminatory State-based administrative complaint procedures	JKR 7/27/09	Yes
Comments: pg. 69			
10	Does the plan have a description of how any Title I payments, including the amount available, will affect the activities proposed to be carried out under the plan?	JKR 7/27/09	Yes
Comments: pg. 70			
11	Does the plan describe how the State will conduct ongoing management of the plan?	JKR 7/27/09	Yes
Comments: pg. 71			
12	Does the plan contain a description of how the amended State plan reflects changes from the previous State plan and how the State succeeded in carrying out the previous plan?	JKR 7/27/09	Yes
Comments: pg. 72			
13	Does the plan identify the committee which participated in the development of the State plan updated in accordance with Section 255 and the procedures for developing the plan under Sections 255 and 256?	JKR 7/27/09	Yes
Comments: pg. 73-74			
13	Has the State followed the 30-day public notice and comment requirements of Section 256?	JKR 7/27/09	Yes
Comments: Ends today.			

Robinson, Nathaniel E - GAB

From: Annette Kuglitsch [akuglitsch@yahoo.com]
Sent: Monday, July 27, 2009 4:49 PM
To: Robinson, Nathaniel E - GAB
Subject: Comments to 2009-2014 Draft Plan
Attachments: 2009-2014 Draf Plan comments[1].doc

Hi Nat-

I didn't receive a response from you in regard to the location that I could see the public comment cut off of 7/27. I went ahead and submitted my comments without this information. I submitted my comments to gab@wi.gov but wanted to make sure that you received my comments as well. Please see the attached document.

Regards,
Annette Kuglitsch

Dear members of WI-EAC-

The decision to not update the 2004 Wisconsin Election Administration Plan and to instead develop a new five-year plan has caused me to take a look at the 2009-2014 Draft Plan. I must say that it is apparent that much time was put into developing this plan and I appreciate the work of all involved.

First off, I would like to say that the timeline for public comment on the Draft Plan was very confusing.

The Draft Plan lists the following Timeline:

Timeline

1. The Plan must be approved by the Joint Finance Committee on Finance (JFC) that will be submitted to them by June 26, 2009.
2. A 30-day public comment period is required. The Plan will be promulgated and the public will be notified via a Class I Notice in the newspaper, also by June 26, 2009.
3. After receiving the JCF response and upon conclusion of the 30-day public comment period, staff will convene another meeting of the WI-EAC for final advise
4. During it's August 10, 2009 meeting the GAB will be asked to give final approval to the draft plan
5. Following the GAB's final action, the Board approved Plan will be submitted to the U.S. Election Assistance Commission for publication in the Federal Register.
6. The Plan takes effect 30 days after publication in the Federal Register.

I clicked on the 6-26-09: News Release 2009-2014 Election Administration Plan to find the comment "The Board is encouraging the public to review the draft plan and share feedback," Robinson continued. We are interested in the public's feedback and what voters think may be most important in this proposal." The news release continues, "Comments from the public may be submitted directly to the Board at gabstateplan@wi.gov. Input from the public will be summarized and presented to the GAB for consideration at its August 10, 2009 meeting". Could the public provide feedback up until August 10, 2009?

I called Nathaniel Robinson on 7/27/09 to find out what the cut off date for public comment on the plan was and he informed me that it was 7/27/09 end of business day. I almost lost my window of opportunity to submit my comment! I asked him to tell me where this information was posted and he replied that he would have to get back to me.

I also attended the 7/23/09 listening session at West Allis City Hall only to find out that this was a session for early voting. Why only early voting, why not other aspects of the 2009-2014 Draft Plan?

The second point that I would like the Board to consider is a comparison of the 2004 plan to the proposed 2009-2014.

As stated on page 72 of the 2009-2014 plan, "The 2009-2014 Election Administration Plan is consciously written broadly enough to absorb emerging issues that may manifest during the next five years, yet, it is specific enough to achieve the core goal and objective of maintaining immediate and future compliance with the Help America Vote Act of 2002."

My question is; why are we expanding the 2009-2014 Plan to absorb issues that *may* emerge when we simply do not have the money to do so? Why are we expanding the Plan beyond HAVA requirements? Is the Plan being used as a vehicle to accomplish an agenda?

As stated more than once in the 2009-2014 Plan, "the financial support needed for the five-year outlook for achieving the program activities far exceeds the FFY-2008 and FFY-2009 Requirements Payments that Wisconsin is currently eligible to receive."

There is an *estimated* price tag between \$17.3 to \$20 million dollars, where is this money going to come from?

My concern in regard to a complete overhaul of the Election Administration Plan leads me to my third point. Before we move on to an expanded set of priorities, how well have we achieved the goals stated in the 2004 Plan?

Wisconsin's 2004 Plan, developed in response to the HAVA requirements established the following four priorities:

1. Design, develop and implement a Statewide Voter Registration System (SVRS).
2. Evaluate new voting systems and all polling places for HAVA Section 301 and disability access compliance.
3. Develop an implementation and acquisition plan for compliant voting system.
4. Develop training and education programs for voters, elections officials and poll workers

To begin with, it is very difficult for me to understand what the "goal" of each priority is given that the goals were never broken down in the 2004 Plan.

Section 8, pages 22-24 of the 2004 Plan state that performance goals and measures will be developed around eight general project activities in which a "team" will develop the performance goals and measures associated with this project. Those goals and measures remain elusive to me as I read pages 2-4 of the Supplement section of the 2009-2014 Draft Plan.

As stated more than once in the 2009-2014 Draft Plan, "These four priorities have been achieved in varying degrees—none to the extent that either has reached it fullest performance lever, operational potential or expectations." I could not find what the specific goal was or the measurement of each goal so any level of achievement could be assigned.

On the other hand, the 2009-2014 Draft Plan more clearly states proposed accomplishments on pages 55-68. But as I read through these pages I couldn't help but notice that the "goals" and the "measures" to determine success left me wondering, what is success and what problems are we trying to solve with goals such as research alternate voting methods, implement a pilot early voting program to determine if Wisconsin should institute early voting, ease the burdens of absentee voting, implement online registration and research alternate voting methods.

I also thought that the measurement section looked more like a list of things to do, rather than a section that measures the success of the goal.

All of this leads me to my last point. We are proposing to spend money on priorities that are not HAVA requirements to advance goals that, in some cases, the electors consider to be controversial. But three other controversial goals, elimination of same day registration, Voter ID and the repeal of 2005 Wisconsin Act 451 which allows a qualified elector of Wisconsin to become a Special Registration Deputy, were completely left out of the Draft Plan. There is *considerable* support among Wisconsin electors to implement these goals as well. I urge the WI-EAC and the GAB to consider drafting these goals into the 2009-2014 Plan.

Thank you for your time in reading my letter and your consideration of my concerns and suggestions.

Regards,

Annette Kuglitsch
316 E Wabash Ave
Waukesha, WI 53186
akuglitsch@yahoo.com

Schmitt, Adam J - GAB

From: Levitt, Justin [LevittJ@exchange.law.nyu.edu]
Sent: Monday, July 27, 2009 6:27 PM
To: GAB State Plan
Subject: Comments for 2009 State Election Administration Plan
Attachments: WI HAVA plan comments.pdf

Dear Sir or Madam:

Please find attached written comments regarding the draft 2009 State Election Administration Plan.

If you have any further questions or comments, or would like clarification of the comments herein, please feel free to contact me, using the contact information below. Thank you for your consideration, and for the opportunity to offer these suggestions.

Yours,

Justin Levitt

—

Justin Levitt
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BRENNAN
CENTER
FOR JUSTICE

**Comments of Justin Levitt
to the Wisconsin Government Accountability Board
Regarding the Draft 2009 State Election Administration Plan**

July 27, 2009

The Brennan Center for Justice at New York University School of Law thanks the Government Accountability Board for the opportunity to comment on its draft 2009 state election administration plan.

The Brennan Center is a non-partisan public policy and legal advocacy organization that focuses on fundamental issues of democracy and justice. Among other things, we seek to ensure fair and accurate voting procedures and systems and to promote policies that maximize citizen enfranchisement and participation in elections. We have done extensive work on a range of issues relating to election administration, including work to remove unnecessary barriers to voter registration; to make voting machines more secure, reliable, usable, and accessible; and to expand access to the franchise and ensure that elections are conducted with integrity.

We commend Wisconsin's Government Accountability Board for revising its election administration strategic vision to reflect the experience of the past five years and the priorities of the five years to come. We also thank the Board for opening this process to public comment, to enhance the conversation about how the election system can best suit all eligible Wisconsin citizens. Wisconsin has been a leading voice in sensible election administration in the past, and we are pleased by this opportunity to contribute to the state's continued leadership in the future.

We have reviewed the draft 2009 State Election Administration Plan promulgated by the Government Accountability Board, and respectfully offer the following few comments, to portions of the Plan describing topics at the heart of the Brennan Center's expertise. Any further questions or clarification relating to these comments can best be directed to justin.levitt@nyu.edu.

We appreciate the opportunity to offer the suggestions below:

p.11: UOCAVA voters

On page 11, the draft Plan notes that Wisconsin has, through Wis. Stat. § 6.32(2), filled its federal UOCAVA requirement to notify UOCAVA voters when registration applications or absentee ballot requests are rejected. That state statute, in turn, requires municipal clerks promptly to notify electors when registration materials are insufficient — but then also directs the clerk to “request that the elector *appear at the clerk's office* or other registration center to complete a proper registration or substantiate the information presented” (emphasis added). Many UOCAVA voters will be away from their municipality of residence during the relevant registration or absentee application period, and it will almost always be impractical for these citizens to appear in person to resolve a problem, whether at the clerk’s office or at another registration center in the state.

We therefore urge the Board to incorporate in its plan a proposal to suggest modest legislative change to better accommodate UOCAVA voters. Such a legislative proposal should permit individuals submitting registration or absentee ballot materials with minor errors or insufficiencies to correct such problems through reliable means, without requiring the voter to appear in person before the appropriate municipal clerk to resolve the issue.

We also note that the United States Senate has recently approved a bill that would substantially revise the requirements of UOCAVA; we anticipate that the bill will similarly gather substantial bipartisan support in the House of Representatives. *See* Military and Overseas Voter Empowerment Act, S. 1390, 111th Cong. §§ 581 *et seq.* (as amended in Senate, July 22, 2009). Given the enthusiastic support for this bill thus far, we recommend that the Board account for the legislation in its Plan, to ensure that if it should become law, it can be implemented as smoothly as possible in Wisconsin, for the benefit of all Wisconsin servicemembers and overseas voters.

p.16: Online registration

On page 16, the draft Plan notes that Wisconsin plans to study the feasibility of online registration for individuals with a driver’s license, whose information can be validated against reliable information maintained by the Department of Transportation. The draft Plan further specifies that the Board does not plan to pursue the option of offering online registration to first-time voters.

We recommend that the Board eliminate the proposed restriction on allowing online registration for first-time voters in the state, at least for purposes of further study. Because those who are not first-time voters are necessarily registered to vote, the restriction prohibiting first-time voters from the online process amounts to a rule limiting the online process to address updates for existing registered voters. This, in turn, unnecessarily limits many of the efficiencies for municipal clerks and voters alike that can be expected from online registration. Other jurisdictions that have implemented similar online registration practices, including Arizona and Washington State, have no such restriction on first-time voters, and have not encountered substantial problems caused by first-time voters using the online registration system. Indeed, the

online registration method contemplated, which would allow online registration only if information can be validated against motor vehicle records, should prevent concerns that allowing first-time voters to use the system would somehow compromise its security. If online registration is to be studied, we recommend that it be studied fully and completely, without artificially limiting its application — and its benefits — to a smaller class of voters.

Similarly, and to avoid the potential for demographic skew based on more convenient registration for those with motor vehicle licenses, we recommend that the Board study electronic forms of voter registration relying on other reliable state data systems as well. If other statewide service providers collect reliable identity, address, age, citizenship, and signature information, there is little reason to preclude use of these systems to further the voter registration process, for those who may not have state driver's licenses or identification cards. As with the tie to the Department of Transportation, online registration tied to other reliable state systems could result in substantial time and cost savings for both voters and municipal registrars. The Board should include these other systems in the scope of its study over the next five years.

p. 28: Other voter database systems

On page 28, the draft Plan notes that the Government Accountability Board will explore over the next five years, voter database systems other than the current SVRS, that could better suit election officials and the residents of Wisconsin. This is, of course, always an admirable aim, and one that we recommend the Board investigate with a bit more specificity.

In particular, we recommend that the Board commit more expressly, in its final Plan, to exploring procedures for more fully modernizing the State's voter registration system. Other jurisdictions have shown substantial interest in or success with a comprehensive modernization plan, designed to eliminate unnecessary bureaucratic processes, save states money, free up precious resources for election officials, and simplify the process for voters. Such a plan would include automatic registration of eligible citizens based on the most current information from other government sources confirmed to be reliable, and permanent registration for voters so that once registered, they will remain registered without the need to submit new forms after every move. These features would relieve some of the pressure on last-minute and election-day registration procedures, which are always an important failsafe, but now require more time and resources from Wisconsin officials than they would under a more comprehensive modernized system.

The Government Accountability Board should expressly identify the study and eventual implementation of a comprehensive modernization program as a priority for the next five years, starting with the reliable information systems most conducive to equitably and efficiently capturing eligible voters who are not currently represented on the voter rolls with accurate, up-to-date information. We believe that such a step would be entirely in keeping with the guiding principles and values articulated in the Board's charge for visioning the next five years of election administration in the State. With a commitment to such a program, Wisconsin has the opportunity to again lead the way in common-sense, fiscally responsible reform improving the welfare of its citizens.

Schmitt, Adam J - GAB

From: Beverly Maddrell [bevmaddrell@att.net]
Sent: Monday, July 27, 2009 9:00 PM
To: GAB HelpDesk
Subject: draft plan comments

Attachments: Statement re voting sysyem changes.doc



Statement re voting
sysyem cha...

Attached are my comments re: the 5-year draft plan and the early voting proposal.

Beverly Maddrell

July 27, 2009

Government Accountability Board

RE: Election changes

I am writing stating several concerns I have with the proposed changes to Wisconsin's voting process. While Wisconsin needs to maintain and comply with the HAVA Compliance Plan, the proposed 5-year draft plan raises many concerns about implementation. The Wisconsin Election Administration Council has admirably offered changes to our current system in order to receive about \$5 million in Required Payments, but the proposed changes in the draft plan far exceed what is needed. The \$17 million is excessive for Wisconsin taxpayers to bear. Certainly many improvements can be achieved at a lower cost. And, with full federal funding questionable to make implementation of HAVA possible, state residents should NOT be saddled with burdensome costs. Just maintaining the Statewide Voter Registration System requires ongoing upgrades and is itself an expensive challenge. This should remain a priority for state funding

In addition to the cost problem, policy is also controversial. I am opposed at this time to any expansion of voting methods by mail, phone or Internet mentioned in the draft. Accurate voter identification is lost in all of these and no verification can be achieved. I am familiar with Oregon's vote-by-mail system and numerous problems are evident – anyone can send in a ballot intended for a legitimate voter and widespread fraud exists in their procedure. This is NOT a positive goal for Wisconsin electors! GAB staff and the Council should address fraud and problems in current law – not provide more future opportunities for fraud! I also oppose registration online – people need to obtain driver's licenses and ID cards to drink legally as well as other documents – voter registration also needs to be done in person and signed before a municipal official.

Absentee ballots should not be sent automatically "for all elections". When a voter has moved, it is too easy for another person to send in the ballot and proper voter identification is not authenticated. The integrity of the process is then corrupted.

There are current problems in the 2022 polling places with verification procedures – with some poll workers abiding by the state statutes while others are extremely lenient – allowing individuals to vote who are not eligible. On this subject, high school poll workers should not be permitted to register voters; they can perform other duties at the polls. More uniformity is needed and better efforts can be made to achieve this. Also, residency can be better defined to remove ambiguities in current law.

With regard to Election Observer Training, it should NOT be contracted with the League of Women Voters. It should be bid like other government programs since other entities may be better able to provide observer training.

Page two

Early Voting:

Following the July 7th listening session in Dane County, I have received a copy of the comments presented and I would like to share my observations. I agree with comment #2 that an early voter could claim to be another voter, thus fraudulently casting a ballot, and would cause the legitimate voter the inability to cast their ballot. This should **not** be allowed. In addition, there is a major problem with our current law in areas where there are a large number of college students residing and this should be corrected. Case in point: a student could be registered and then moves, but doesn't notify the municipal clerk of the move. Another person knowing this can cast a vote for that person (plus additional individuals in similar circumstances) that is unknown to poll workers. That person can then register again in their own name and thus cast multiple votes. Whether through early voting, or voting absentee, or registering at the polls, **legally correct voter registration and/or identification in person should be required to maintain the integrity of the vote.**

I am pleased to read in the proposal that internet registration will not be permitted. There is no way to verify that an individual is legally qualified to vote when no proper ID is witnessed or presented. This type of registration invites voter fraud.

I am concerned about the method that may be used in securing voting machines. The machines must be tamper-proof so that secrecy and accuracy must be maintained.

I am similarly concerned about the municipalities option to "opt into" early voting. The lack of uniformity throughout the state would create a hodge-podge within counties and would confuse voters.

I support the current voting process for absentee voting and agree with many poll workers that the envelope with the oath should be continued.

The cost to convert to early voting is a major detriment to any change. Clerks from both large and small municipalities raised the issue about the additional staff duties that would be required, especially longer hours during the work week as well as on Saturday. The cost of approximately over \$7,000 per site in staffing costs is significant. Plus, the cost to purchase new voting machines is not feasible – especially in municipalities that have a variety of ballot styles. As a resident of Madison, where it may cost almost half a million dollars to the taxpayers for 50 new tabulating machines, I am definitely opposed!

The current voting procedure can be maintained that is much more cost efficient – particularly when early voters now can still vote-in-person at their municipal clerk's office. Unless the municipal clerks overwhelmingly favor some different process, don't fix what is not broken! Even the GAB's statistical documents indicated that 16% of state electors in the November 2008 election proves that this was an adequate method of

Page three

voting. And at estimates up to \$450,000 per early voting location, this expense is ludicrous!

During this time of recession, fiscal shortfalls, and high government spending, voters should question whether early voting should be implemented in 2010. There is NO outstanding need to do it now - particularly forcing it on the voters, poll workers, and clerks! A new process could easily be delayed until such time as there is more support to make a change and the municipalities agree to purchase the Direct Recording Electronic Voting System. By delaying it to a future date, the touch screen machines can likely be improved and/or modified to reduce errors.

The clerks should also agree to the question whether ending early voting only 3 days prior to an election is sufficient. The data needs to be adequately processed into the Statewide Voter Registration System and it is doubtful if the correct information can be completed in enough time to be distributed to the poll locations.

It has also been reported by states that have implemented early voting, it does NOT result in added voter turnout. So this expensive methodology does not make a lot of common sense or logic tells that it will not improve our electoral process!

Thank you for your attention to my comments.

Beverly Maddrell
1418 Frisch Road
Madison, WI 53711
608-274-1769
E-mail: bevmaddrell@att.net

To: WI-EAC
From: Ardis Cerny
Date: July 28, 2009
Re: 5 year plan

After reading your plan, I was shocked that not once, did you mention voter fraud, especially when over 60% of all Wisconsin Citizens suspect fraud is occurring and support imposing a voter I.D. requirement. This is from a poll taken in 2008 by the Wis. Political Research Institute involving 37% democrats, 24% republicans, and 24% independents. The people of Wisconsin have lost their confidence in our voting system.

Since when is it your mandate to make voting a "convenience?" It appears you are measuring your success on how many people vote! I have read the HAVA requirements and they are about insuring the integrity of the vote not on how many different opportunities the voter has to vote.

Stories abound of bus loads of Indians voting at multiple polling places, college students making a practice of voting numerous times, ACORN registering people with fictitious names and addresses.

Your post card program; why isn't there money going to an investigation of the returned post cards? Does anyone check these with the Register of Deeds to make sure the addresses exist?

Instead of investigating early voting we should be investigating the voting machines that scan driver's licenses so that when voters come to the polls they have an option of going through the "fast lane" or the traditional lane. This would help the lines move faster and add some confidence to our voting procedures.

Please reconsider adding to your plan funds for investigating voter fraud and measures to insure the integrity of the vote. It's not about convenience or how many people you get to the polls. It's about the American people being confident in our voting system and that their vote counts.

Education Director
Tom Harmisch
P.O. Box 65
Neillsville, WI 54456-0065
Phone: 715-743-7477

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July 28, 2009

Government Accountability Board
212 East Washington Avenue 3rd Floor
P.O. Box 7984
Madison, Wis. 53707-7984

Re: 2009-2014 Election Administration Draft Plan
Attn: Nathaniel E. Robinson, Elections Division Administrator

Dear Government Accountability Board and Election Divisions Staff:

On behalf of the Wisconsin Towns Association board of directors and staff I want to take the opportunity to make a few brief comments on the 2009-2014 Election Administration Draft Plan. Overall we believe that the draft plan lays out a very detailed framework to address election administration over the next five years. While the draft plan identifies several issues and possible goals that should be discussed and explored, we want to say that not all possible goals identified in the plan are possible and necessary to insure open, fair, and transparent elections, or accessible elections, or efficient elections.

Wisconsin Towns Association fully supports the Wisconsin model of municipal administration of all elections. Although this model increases the costs and may add more problems with administration, the municipal model provides one of the strongest means of providing voter accessibility to the most people in Wisconsin, but insuring that the decisions for local polling places are made by the local governmental bodies responsible for the costs of maintaining, staffing, and equipping the polling place. While other states use regional administration and even regional polling places, having the polling place in each town, village, and city regardless of size provides the greatest access to the electors of Wisconsin. Reasonable proximity of the polling place and municipal clerks to rural electors is just as important as having handicapped accessible polling places and equipment. For example reasonable proximity of available absentee voting procedures is just as important as having regional polling places at extreme driving distances, albeit with extended hours prior to an election. We believe that this model is one of the reasons that Wisconsin's election turnout has been one of the top two or three in the country for many years.

While the guiding principles and values as stated at page I are laudable, each of these must be evaluated in terms of balance. First, the cost of elections in light of the current economic times and limited government resources must be considered in the decision to meet the possible goals. In Wisconsin, with municipal administered elections the decisions should be made at the local level in light of available resources. With limited dollars, local elected officials should balance the implementation of the goals of this plan versus other needs to protect public health and safety.

Second, not all guiding principles should be given the same priority. Having fair and true elections is much more important than trying to give the greatest ease and convenience to every elector to cast their vote. While modern technology, such as possible electronic poll books would be an ideal to strive for, if the cost of providing internet connectivity to all polling places, with properly trained staff to use the electronic poll books comes at the expense of closing rural polling places in each town, we have lost the balance of providing reasonably proximate polling places across the state, and in fact would disenfranchise some rural voters. Rural and smaller polling places, have had less threat of voter fraud by multiple voting at one election, and the cost of electronic poll lists in every polling place may not be cost effective for the gains in voter security.

Third, while providing easy access and convenience to every elector can be a goal, it needs to be remembered that electors have some responsibilities in exercising their right to vote. If this means contacting a municipal clerk and using absentee voting procedures that insure accountable and secure elections rather than traveling to the polling place during regular election hours, this is a reasonable responsibility of the elector. Again, the balance by trying to provide as much convenience to the elector versus insuring the accountable election process must be balanced. Streamlining absentee voting to assist the municipal clerks is a goal our association supports, but not at the expense of maintaining ballot security.

On some specific points on the draft plan itself. Our Association hopes that while the discussion on early voting should be a part of the plan discussion, the final decision should be left to the state legislature with significant local government input. The cost of early voting, the importance of ballot security, versus the potential for increased participation from a state that ranks high in elector participation already should be considered.

Our Association asks that the GAB legal staff determine early in the process of the plan implementation when a practice or procedure is required to be uniform statewide and when there can be variation at the local level. While the argument was made for uniform poll hours (7:00 a.m. to 8:00 p.m.) on the grounds that different hours and time to go to the polls violated a constitutional requirement of equal protection for all, not all of the goals listed in this draft should warrant the same treatment. Many of the goals should allow for consideration of smaller and more rural communities. The electronic poll book is one example where this could and should be considered in the final decision process. Electors would have the same access to voting whether the electronic poll book was used in a community or not, but the follow up of possible multiple voting would be after the fact in communities that did not have electronic poll books. Again, establishing what issues warrant a uniform statewide application in light of constitutional protections should be determined early in the state's planning process.

Our Association wants to be on record in supporting as much training and as many different means of training municipal clerks, election workers, and the public is possible within the limits of reasonable funds available. Having qualified and well trained election officials goes a long way to insure open, fair, and transparent elections across the state. As indicated in the draft plan, the alternatives to provide the training must recognize that over half of the municipal clerks and nearly 99% of election inspectors are part time officials. The availability of training, including face to face in rural areas of the state, should be balanced with the cost of such training.

One point of consistency in the Section 8, HAVA Performance Goals and Measures format. A few of the elements point out that the goal is being discussed but may not be adopted. For example, at page 64 the goal for implementing electronic poll books (if adopted). We fully agree that this goal may or may not be adopted, but should have a thorough discussion and evaluation during the plan period. However, there are several other goals which we would argue should have the same comment (if adopted). For example, at page 57 the goal to allow the use of electronic poll books, should rightfully be discussed but may not be adopted in the end. Also for example, at page 58 the goal "to clarify, simplify, and unify the definitions of residency." While many clerks would agree that this should be done, it will be a legislative decision in the end to do this or not.

In view of the fact that many of the goals will not be full adopted or adopted at all, would it not be better to list in the beginning of Sec. 8, HAVA Performance Goals and Measures that the following goals may or may not be adopted in whole or in part or not adopted at all. To imply that every goal has to be adopted in whole or in part, predetermines that every goal is both appropriate and feasible. Again, our Association does not object to addressing the goals listed for discussion and evaluation purposes, but does not want to presuppose that all goals will be implemented as stated or implemented at all.

In conclusion, we want to thank the GAB for the opportunity to participate in the development of the draft election administration plan. Wisconsin Towns Association will continue to work with the GAB and Election staff to address, discuss, and evaluate the plan through the next five years. However, this does not mean that our Association believes that every possible goal listed should be implemented as stated. The plan offers a framework for discussion and evaluation, but needs to be balanced with some of the principles we expressed early in this letter, primarily what is financially feasible and necessary to insure open, fair, and transparent elections, with reasonable accessible to all electors of Wisconsin.

Thank you for your consideration in this matter.

Sincerely,



Richard J. Stadelman

Executive Director

Wording Changes to the Draft Plan
Submitted by Paul Malischke July 28, 2009

page 15 and 16
Voter Registration

- A. Allow an individual to register to vote and submit the registration form online during open registration
- If the driver's license number or Wisconsin ID card number and other information can be validated against the Department of Transportation, the registration form may be completed and submitted electronically
 - The GAB will study how other states have implemented online registration for first time voters. A first time voter in Wisconsin may not use the online method, but must print and complete the registration form, and mail the form and a copy of acceptable proof of residence to the municipal clerk.
 - Implementation should be targeted for July 1, 2010. Prompt implementation will assist municipalities in a difficult economic environment. Online registration will be a factor in a successful implementation of early voting.
 - After initial implementation, the Board will study whether other reliable state data systems may be used in order to expand the groups of voters who may use this system.

Page 27

Uniform Statewide Voting system. Add this paragraph:

An alternate plan would be to standardize on voter-marked paper ballots, the method currently used by over 90% of Wisconsin voters. Existing equipment could be grandfathered, so as to avoid significant immediate costs. Future replacements would be restricted to equipment that uses voter-marked paper ballots, including ballot marking devices and optical scan tabulators. Uniformity would not require standardizing on a single vendor. By allowing continuing competition amongst three vendors, local control of equipment selection would be maintained.



City of Madison

Legislative File Number 15215 (version 1)

Title

Urging passage of enabling legislation for online voter registration.

Body

WHEREAS the Madison City Clerk's Office processed 89,165 voter registration applications in 2008; and

WHEREAS the Madison City Clerk's Office processed over 30,000 voter registration applications in September and October of 2008; and

WHEREAS many voter registration applications submitted to the Clerk's Office are illegible or incomplete; and

WHEREAS it can take months for the Government Accountability Board to distribute voter registration forms to the appropriate municipality; and

WHEREAS the Madison City Clerk's Office needed to reroute hundreds of voter registration applications to the appropriate municipality in September and October of 2008; and

WHEREAS online voter registration would result in more accurate poll books; and

WHEREAS online voter registration would provide more efficient election administration; and

WHEREAS online voter registration would provide voters with an immediate confirmation of their voter registration; and

WHEREAS the Government Accountability Board's 2009-2014 draft plan for Wisconsin's Election Administration proposes that voters be allowed to submit registration forms online; and

WHEREAS the Madison Election Advisory Committee has recommended the implementation of online voter registration; now

THEREFORE, BE IT RESOLVED that the City of Madison Common Council hereby urges the Governor and the Wisconsin State Legislature to support enabling legislation for online voter registration in the State of Wisconsin; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Doyle, the Madison legislative delegation, and the Government Accountability Board.

Fiscal Note

This resolution encourages the establishment of online voter registration at the state level. If online registration is authorized, a modest amount of funding would be required for training. This cost, however, would be more than offset by savings of hourly staff wages.

Schmitt, Adam J - GAB

From: Town of Fifield [fifield@plbb.us]
Sent: Tuesday, July 28, 2009 4:28 PM
To: GAB State Plan
Subject: Vote-PAD

I have received information that you have a draft plan to "Re-evaluate VotePAD's Certification as Accessible Device".

As Town Clerk for the Town of Fifield, I hope that you do not remove it from the list of eligible devices, OR if you do that you provide financing to purchase replacement equipment.

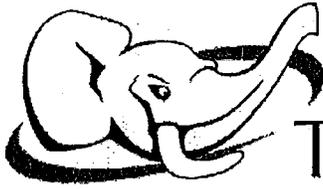
I realize that not many people use this device when voting. It makes me wonder how many people with diasabilities are voting at all. It seems like a lot of money was spent for a very few across the nation.

I realize the electronic voting machines could be used by all people, but the continuing cost of programming, servicing, etc was a deterrent for our town. We have two polling places in our small town resulting in any add'l costs being doubled. Since I am salaried, there is no add'l cost to the town for my setting up the Vote-PAD for each election.

Do you have any plans in the future to conduct elections by phone or the internet (as you already have a voter data base)? This could allow the early voting that the State is considering (at no add'l cost to municipalities). I believe there is a program in some states that allow people with disabilities to vote over the phone.

Thank you for your consideration.

Sally Putnam, Town Clerk
Town of Fifield



The Republican Party of Wisconsin

July 28, 2009

Wisconsin Election Administration Council
Wisconsin Government Accountability Board
212 East Washington Avenue, Third Floor
Madison, WI 53707

Wisconsin Election Administration Council Members:

Thank you for the opportunity to comment on a proposed five-year strategic plan for elections in Wisconsin. The Republican Party of Wisconsin appreciates that an extended conversation regarding election procedures in Wisconsin is timely and necessary.

It is clear upon review of the proposed five-year plan presented by the Government Accountability Board that more input is needed before making a \$17.2 million investment with taxpayer funds.

Many of the ideas presented in the plan represent ideological visions that are not only unvetted but they pose a potential to slow down the process and increase uncertainties, including the cost of election administration. Early voting, in particular, should not move forward at this time as a comprehensive determination of its consequences is not available.

As the Council, and, subsequently, the Legislature, considers changes to Wisconsin election law, one thing is certain: voters in Wisconsin want changes that would make it easier to vote but harder to cheat. Election fraud is an issue that must not be dismissed when considering plans to improve Wisconsin elections.

I want to emphasize that any plan should include an investigation into voter fraud prevention and maintaining election integrity by positively identifying voters through a Voter ID check system.

Maintaining election integrity should be a top priority as the Council, the Board, and the Legislature move forward.

Sincerely,

A handwritten signature in black ink, which appears to be "Reince Priebus". The signature is fluid and cursive.

Reince Priebus
State Chairman
Republican Party of Wisconsin

Reince Priebus
Chairman

Mark Jefferson
Executive Director

148 E. Johnson St.
Madison, WI 53703
p 608.257.4765
f 608.257.4141

www.wisgop.org
gop@wisgop.org

Bryon Eagon
614 Mendota Court, Apt. B
Madison, WI

Mr. Eagon did not submit written comments, but provided in-person comments to the WI-EAC during the July 28, 2009, WI-EAC meeting. Mr. Eagon supported online registration initiative in the Draft Plan, and urged its development as quickly as possible.

ITEM F

Proposed Guidelines

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 MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For August 10, 2009 Board meeting
TO: Government Accountability Board
FROM: Jonathan Becker
SUBJECT: Guidelines

Attached, for the Board's review, are four Guidelines:

- 231-Charitable Solicitations
- 245-Public service announcements
- 249-Campaign fundraising
- 250-Campaign Contributions

Guideline 249 is new. The other Guidelines are re-workings of Ethics Board Guidelines adopted by the Government Accountability Board during its first-year review.

Because several legislators have recently asked for advice about accepting an offer to do public service announcements, we are asking the Board to re-adopt Guideline 245, "Public Service Announcements," as amended, at its August 10 meeting. This is a streamlined version of the prior Guideline. The Ethics Board staff met with a number of legislators and legislative aids when the Ethics Board originally created this Guideline so there was an opportunity for input at that time.

The other Guidelines are drafts. They have been reviewed by staff and, at my request, by Mike Wittenwyler. I have incorporated changes suggested by all reviewers. If the Board approves them as drafts, we will circulate the draft Guidelines to others, including lobbyists, legislators, the legislative campaign committees, and representatives of public interest groups. We will then place the Guidelines on the agenda for the Board's next meeting in October for fuller public comment.

In future, we intend to undertake broader circulation before we bring Guidelines to the Board in the first instance. But the intent will still be to bring Guidelines to the Board as drafts, in order to give the Board an opportunity for comment, before we schedule a Guideline for adoption at a subsequent meeting.

Charitable Solicitations

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Government Accountability Board.

Limitations on solicitation

A state public official should not solicit from anyone a charitable or other contribution for an organization of which the official or the official's spouse or legal dependent is an officer, director, employee or authorized representative or agent.

A state public official should not solicit a charitable or other contribution for any organization from a lobbyist, from an organization that employs a lobbyist, or from any person regulated by or doing business with the official's agency.

A state public official should not solicit a contribution for a state agency or state program from a lobbyist, from an organization that employs a lobbyist, or from any person regulated by or doing business with the official's agency.

A solicitation includes both an oral and written communication.

Solutions for instances when solicitation is not permitted

GOVERNMENT-RELATED EVENTS. A state agency seeking private support for a government-related activity may request assistance from a multi-state or national association with which the agency is affiliated. An agency may also request the Department of Commerce or the Department of Tourism to solicit support for events promoting economic development or tourism or for conferences of multistate, national, or international associations of government officials.

LETTERHEAD AND LETTERS OF SUPPORT. An official affiliated with a private organization may permit the appearance of his or her name and public office on the organization's letterhead in the same style and prominence in which others similarly affiliated with the organization are identified. An official may also write a letter of endorsement for an organization that the organization may include in a fundraising solicitation, even if it is sent to a lobbyist or lobbying principal, as long as the endorsement letter does not solicit or urge or endorse contributing to the organization.

Legal references: §13.625 and §19.45 (2) and (3), *Wisconsin Statutes*

Public Service Announcements

Government Accountability Board Statement of Policy

Wisconsin's Code of Ethics for State Public Officials encourages officials to meet with citizens to discuss legislative, administrative, executive, and judicial processes and proposals and issues initiated by or affecting a department or the judicial branch. [§19.56 (1), *Wisconsin Statutes*]. In significant respects, the production and dissemination of a public service announcement does not differ from writing a newspaper column, sending a letter to the editor, or appearing on a news broadcast on radio or television. Citizens often welcome their officials' participation in issues and causes of the day and the First Amendment to the United State Constitution protects officials and their messages from excessive government interference. Moreover, both the lobbying law and Ethics Code authorize an official to receive, for a published work or the presentation of a talk, actual and reasonable expenses paid or arranged by the event organizer or publisher of the work.

The Government Accountability Board also recognizes that providing the time, talent, facilities, and equipment related to producing a "public service announcement" as well as the value to an official of an announcement's dissemination by broadcast, cablecast, internet, print, or other medium may be of benefit to an official's re-election effort.

With these considerations in mind, and the need to balance competing concerns, the Government Accountability Board offers this guideline to elected state officials. For circumstances not covered by this guideline, an official should consult the Government Accountability Board directly.

Public Service Announcements concerning governmental processes, proposals, and issues

Any organization, even one that employs a lobbyist to affect Wisconsin's laws, may, consistent with the statutes that the Government Accountability Board administers, provide an elected state official with assistance in recording, and disseminating (including donating time or space for the announcement's dissemination) a video or audio recording in which the official discusses or interprets governmental processes or proposals or issues initiated by or affecting Wisconsin's government.

Continued on next page 

Public Service Announcements concerning other matters of public concern

Any organization, even one that employs a lobbyist to affect Wisconsin's laws, may, consistent with the statutes that the Government Accountability Board administers, ask an elected state official to participate in a video or audio recording that promotes or educates the audience about activities or services of a charitable organization or promotes a favorable view of or imparts information about a public service or issue generally regarded as serving community interests.

Airing public service announcements in an election year.

Within the five months preceding an election for a governmental office for which a state official will be a candidate, an official should not permit the use of his or her name or image or office in a "public service announcement".

Statements and announcements with a campaign purpose

If a statement or announcement advocates or has as its purpose influencing the nomination, election, defeat, recall, or retention of an individual to state or local office or vote at a referendum of a person, then the elected state official and the organization sponsoring the statement or announcement must, in addition to relying on this guideline, carefully account for the application of Wisconsin's campaign finance laws.

Campaign Fundraising

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Government Accountability Board.

Times during which fundraising is permitted. State statutes do not limit the time period during which campaign fundraising may occur, once the individual has registered a campaign committee with the Board. Rules of the Assembly or Senate may limit the time during which fundraising activities are permitted for an incumbent of either house; consult the Chief Clerk of each house for specific restrictions.

Soliciting a lobbyist or lobbying principal. State statutes limit when a member of, or candidate for, the Legislature may solicit a contribution from a lobbyist. A legislator or candidate for the Legislature may solicit a lobbyist for a contribution, whether asking for a personal contribution from the lobbyist or asking the lobbyist to obtain a contribution from a PAC or other person, **only between June 1 of an even-numbered year and the date of the general election in the year of the candidate's election.** This solicitation "window" does not open until after the Legislature concludes its final floor period (if the final floor period is scheduled for a date after June 1). The "window" closes during any time that the Legislature is in a special or extraordinary session. The limitation applies to soliciting a lobbying principal as well. Outside the permitted "window," contact should be limited to a non-lobbyist employee or representative of a PAC.

The restriction on soliciting applies whether a legislator or legislative candidate is soliciting a contribution for the candidate's own campaign committee, for another candidate, or for a legislative campaign committee. The restriction also applies to soliciting through an agent.

Accepting a contribution from a lobbyist or principal. A legislator or legislative candidate may accept a contribution from a lobbyist or lobbying principal only during the time period permitted for soliciting a lobbyist or principal. This restriction applies both to monetary and in-kind contributions.

Political Action Committee (PAC) limitations. The restrictions under the lobbying law apply only to a lobbying principal itself – not to a PAC, even if it is a principal's PAC. A legislator or legislative candidate may accept a PAC contribution at any time. A legislator or legislative candidate may solicit a PAC at any time as long as the solicitation is not made to a lobbyist. A legislator or legislative candidate may solicit a lobbyist for a PAC contribution only during the solicitation "window."

Types of persons from whom a legislator or legislative candidate may accept a contribution. A legislator or legislative candidate may accept a contribution from any individual (either directly or through a conduit), a political party, or a political action committee (PAC). A legislator or legislative candidate may not accept a contribution from any corporation or limited liability company but may accept a contribution from such organization's PAC.

Continued on next page 

What is a solicitation? A solicitation can be either oral or written. A disclaimer on a written invitation to a fundraiser to the effect that “If you are a lobbyist, please disregard or pass along” will not necessarily be taken to mean that the invitation is not a solicitation to a lobbyist – the Board may examine all circumstances to determine if an impermissible solicitation has occurred.

Limitations on how much a legislator or legislative candidate may accept. A member of, or candidate for, the Assembly may accept up to \$500 from a single individual during any two-year period beginning January 1st of the year following the previous election. A member of, or candidate for, the Senate may accept up to \$1,000 from a single individual during any four-year period beginning January 1st of the year following the previous election. The maximum aggregate contribution from a PAC or other candidate committee is also \$500 or \$1,000 for Assembly and Senate candidates, respectively.

The aggregate that may be accepted from all PACs, candidate committees, and a WECF grant combined may not exceed \$7,763 for an Assembly candidate or \$15,525 for a Senate candidate. The maximum from all committees, including political parties, may not exceed \$11,213 for an Assembly candidate or \$22,425 for a Senate candidate. There is no limit on how much an individual may contribute to his or her own campaign committee unless the individual has applied for a WECF grant. In that case, an Assembly candidate may contribute no more than \$1,000 to his or her own committee and a Senate candidate may contribute no more than \$2,000 to his or her own committee.

Exceptions to these contribution limits or time periods may apply when a candidate is subject to a recounts or recall election, runs in a special election or election to a local office, or a candidate registers after January 1 of an odd-numbered year.

Legal references: §§11.xx and 13.625, *Wisconsin Statutes*.

Campaign Contributions and Activities by Lobbyists and Lobbying Principals

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Government Accountability Board.¹

CAMPAIGN CONTRIBUTIONS BY LOBBYISTS

A lobbyist may make a campaign contribution from personal funds, or may deliver or convey a campaign contribution on behalf of a PAC, conduit, or other person:

TO

- a partisan elected state official² running for any office (even a local or national office),
- a candidate for election to a partisan state office, OR
- the campaign committee of either

ONLY

between June 1 of an even-numbered year and the date of the general election in the year of the candidate's election. For a candidate for the Legislature, this "window" does not open until after the Legislature concludes its final floor period (if the final floor period is scheduled for a date after June 1). The "window" closes for a legislative candidate during any time that the Legislature is in a special or extraordinary session.

Neither a partisan elected state official nor a candidate for partisan state office should solicit a lobbyist outside the "window" noted above. If a lobbyist receives such a solicitation, the lobbyist should refer the candidate to a non-lobbyist.

A lobbyist may make, deliver, or convey a campaign contribution at any time to a candidate for a local, non-partisan state, or national office unless the candidate is currently a partisan elected state officeholder.

CAMPAIGN ACTIVITIES BY LOBBYING PRINCIPALS

An organization that employs a lobbyist may not contribute to a candidate's campaign committee. Only a PAC may make such a contribution. This is true not only for monetary contributions but also for in-kind contributions such as an organization's directing its employees or using its supplies to organize or run a golf outing, dinner, or other fundraising event for a candidate's benefit. A lobbying organization may provide such assistance to its PAC, but only if the PAC reimburses the organization for the fair market value of such supplies

¹ Rules of the Assembly and Senate may impose additional restrictions on when contributions may be accepted by Legislators and when a Legislator may hold a fundraising event.

² Partisan state offices are those of the governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator, state representative to the assembly, and district attorney [§5.02(23)].

and services. A lobbying organization may communicate with its own members about a candidate fundraising event, as long as it does not act in concert, consultation, or coordination with a candidate in doing so.

CAMPAIGN ACTIVITIES BY LOBBYISTS

- **Endorsements.** A lobbyist may endorse a candidate or lend his or her name as a supporter or sponsor of a campaign event.
- **Advice to others.** A lobbyist, as a volunteer, may advise or urge others to contribute to a candidate, but may not act in concert with a candidate to raise campaign contributions except during the time period when the lobbyist may contribute directly.
- **Professional services.** A lobbyist may not, at any time, provide services (whether or not for compensation) to a candidate for any state office or a state official running for any office for which the lobbyist would normally charge a fee, such as legal, accounting, computer, or consulting services.
- **Uncompensated personal services.** A lobbyist may furnish uncompensated personal services (e.g., distributing yard signs, stuffing envelopes, going door-to-door and bookkeeping *provided the lobbyist does not charge a fee to others for similar work*) to candidates.
- **Contributions to self or family.** A lobbyist may make a campaign contribution to the lobbyist's own campaign or to the campaign of the lobbyist's spouse, certain relatives, and members of the lobbyist's household.
- **Contributions to PACs and legislative campaign committees.** A lobbyist may make or convey a campaign contribution at any time to a political action committee, legislative campaign committee, political party, or the campaign committee of a candidate who neither holds nor who is seeking election to a partisan state office.

PAC ACTIVITIES

- **Contributions from Political Action Committees (PACs).** A PAC (even one controlled by an organization that employs a lobbyist), may contribute to a candidate's campaign as long as the committee is appropriately registered with the Government Accountability Board and the contribution does not exceed the limit imposed by campaign finance laws.
- **Sponsoring a fundraising event for a candidate.** A PAC (even one controlled by an organization that employs a lobbyist) may sponsor a fundraising event for a candidate at any time. See GAB Guideline XXX, Golf Outings and Other Candidate Events.

Legal references: §13.625, *Wisconsin Statutes*.

ITEM G

Legislation

LEGISLATIVE STATUS REPORT

August 10, 2009 Meeting

Assembly Bills

Assembly Bill 2

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

Relating to: state procurement of contractual services.

Status: Passed the Assembly. Referred to Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection. Public hearing held on 4/01/09. Senate amendment 1 recommended by committee.

Assembly Bill 39

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

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

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

Assembly Bill 42

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

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

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

Assembly Bill 62

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

Relating to: venue for elections and ethics enforcement actions.

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

Assembly Bill 63

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

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

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

Assembly Bill 65

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

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

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

Assembly Bill 75

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

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

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

Assembly Bill 104

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

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

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

Assembly Bill 117

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

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

Status: Referred to Joint Committee on Finance.

Assembly Bill 120

Introduced by Representatives Vos, Montgomery, Nygren, Suder, Gundrum, Kramer, Huebsch, Kestell, Kerkman, LeMahieu, Petersen, Cullen, Murtha, J. Ott, Townsend, Mursau, Gunderson, Spanbauer, Bies, Strachota, Kleefisch, Van Roy, Lothian, Petrowski and Honadel. Cosponsored by Senators Grothman, Cowles, Hopper, Darling, Leibham and Lazich.

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

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

Assembly Bill 145

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

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

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

Assembly Bill 163

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

Relating to: allowing certain political signs on rental premises.

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

Assembly Bill 168

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

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

Status: Referred to Joint Committee on Finance.

Assembly Bill 169

Introduced by Representative Zipperer. Cosponsored by Senator Kanavas.

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

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

Assembly Bill 245

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

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

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

Assembly Bill 249

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

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

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

Assembly Bill 304

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

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

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 6/30/09.

Assembly Bill 322

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

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

Status: Referred to Assembly Committee on Judiciary and Ethics. Public hearing held on 6/30/09.

Assembly Bill 327

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

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

Status: Referred to Assembly Committee on Elections and Campaign Reform

Assembly Bill 330

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

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

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

Assembly Bill 353

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

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

Status: Referred to Assembly Committee on Corrections and the Courts.

AB 357 (07.30.09)

Assembly Joint Resolutions

Assembly Joint Resolution 2

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

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

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

Assembly Joint Resolution 6

Introduced by Representatives Kessler and A. Williams.

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

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

Assembly Joint Resolution 11

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

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

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

Assembly Joint Resolution 26

Introduced by Representative Schneider

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

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

Assembly Joint Resolution 29

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

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

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

Assembly Joint Resolution 39

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

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

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

Assembly Joint Resolution 51

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

Relating to: state sovereignty.

Status: Referred to Assembly Committee on State Affairs and Homeland Security. A. Representative Petrowski added as a coauthor 5/08/09.

Assembly Joint Resolution 63

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

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

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

AJR 64 (07.30.09)

Senate Bills

Senate Bill 8

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

Relating to: state procurement of contractual services.

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

Senate Bill 40

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

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

Status: Referred to Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Public hearing held on 5/27/09.

Senate Bill 43

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

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

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

Senate Bill 68

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

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

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

Senate Bill 92

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

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

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

Senate Bill 179

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

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

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

Senate Bill 199

Introduced by Senators Leibham, Lazich, Carpenter, Darling, Grothman, Harsdorf, Hopper, Kanavas, Kedzie, A. Lasee, Olsen, Plale, Schultz and Sullivan. Cosponsored by Representatives Stone, Vukmir, Bies, Brooks, Davis, Gundrum, Honadel, Huebsch, Kaufert, Kerkman, Kestell, Kramer, LeMahieu, Lothian, Meyer, Montgomery, Murtha,

Nass, A. Ott, J. Ott, Petersen, Pridemore, Spanbauer, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos and Zipperer. Representative Petrowski added as a cosponsor.

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

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

Senate Bill 217

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

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

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

Senate Bill 221

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

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

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

Senate Bill 227

Introduced by Joint Legislative Council.

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

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

Senate Bill 236

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

Relating to: Electronic filing of campaign finance reports.

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

Senate Bill 240

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

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

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

SB 243 (07.30.09)

Senate Joint Resolutions

Senate Joint Resolution 9

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

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

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

Senate Joint Resolution 42

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

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

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

SJR 43 (07.30.09)

ITEM H

Administrative Rules

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Status of Rule GAB 1.28

Introduction:

This Memorandum is for informational purposes only and no immediate action is requested. Staff will periodically update the Board on matters affecting the ability to move forward with the rule-making process for GAB 1.28.

At the June 22, 2009 Board meeting, the Government Accountability Board recalled proposed rule GAB 1.28 from the Legislature to allow for the Board's review of the U.S. Supreme Court decision in Citizens United v. FEC due to the fact that the case may address the ability of government to regulate certain speech. At the July 1, 2009 Board meeting, staff informed the Board that the U.S. Supreme Court did not issue a decision and opted to schedule additional oral arguments on the Citizen United v. FEC case. In its order to hear additional arguments, the U.S. Supreme Court added a review of the previous U.S. Supreme Court decisions Austin v. Michigan Chamber of Commerce and a portion of McConnell v. FEC, which both upheld a prohibition of corporate independent expenditures on elections due in part to the distorting effects of large aggregates of wealth in the corporate form that do not relate to the public's support of the corporation's political ideas. The Supreme Court's order requested supplemental briefs on whether the Supreme Court should overrule either or both Austin and McConnell, which would allow corporate independent expenditures for "electioneering," even if not specifically express advocacy.

Status of Citizens United v. FEC:

The supplemental briefs by Citizens United and the FEC were filed on July 24, 2009. If the Board is interested, these briefs can be found at the following links, or staff could email them to the Board: Citizens United brief--<http://electionlawblog.org/archives/Citizens%20United--Supplemental%20Brief.pdf> and FEC brief--<http://www.scotusblog.com/wp/wp->

[content/uploads/2009/07/08-205_us_supp.pdf](#). Of special note from the FEC supplemental brief is a citation to a Wisconsin State Journal article discussing Justice Butler's election contest and the nature of the advertising, which can be found in footnote 2 on page 10 of the FEC supplemental brief.

Amicus briefs are due by July 31, 2009 and reply briefs are due by August 19, 2009. Oral argument will occur on September 9, 2009, which is before the scheduled beginning of the next session in October 2009. For a timing reference regarding release of a decision, McConnell v. FEC was argued on September 8, 2003 and the U.S. Supreme Court issued its decision on December 10, 2003.

Possible Implications of U.S. Supreme Court Reversal of Austin:

Should the U.S. Supreme Court decide to broadly overrule Austin and the portion of McConnell which upheld corporate restrictions on independent expenditures that qualified as "electioneering," Wisconsin may be required to enact legislation to modify certain provisions of Chapter 11, Wis. Stats., particularly §11.38, Wis. Stats. This could significantly delay any rule-making involving advocacy that is the functional equivalent of express advocacy, which can be regulated.

Status of GAB 1.28, Wis. Adm. Code:

The Legislative Report on GAB 1.28 was recalled on June 25, 2009 and all rule jackets were returned on July 1, 2009. Upon review of the U.S. Supreme Court's Citizens United decision and after any final changes to the form of GAB 1.28, the rule-making process may continue by resubmission to the Legislature of an amended Legislative Report. Pursuant to §227.19(4)(b)3m., Wis. Stats., each relevant Committee would then have 30 days to review the rule. Assuming the U.S. Supreme Court acts quickly and issues a decision in December 2009, January 2010 is likely the earliest the rule could be resubmitted to the Legislature. Fortunately, there are no state-wide offices on the ballot for the Spring Election in 2010. It is still possible that the new rule could be in place before the Fall Primary in 2010, absent further delays by the U.S. Supreme Court, legislative changes required by any U.S. Supreme Court decision, or the Legislature's objection to the final draft of the rule.

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Promulgation of Revisions to Chapter GAB 1

Pursuant to §5.05(1)(f), Stats., the legislature authorized the Government Accountability Board specific power to promulgate rules under ch. 227, Stats., for the purpose of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration. Furthermore, the legislature has generally authorized agencies, such as the Government Accountability Board, to promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. §227.11(2)(a), Stats.

Throughout the review process mandated by 2007 Act 1, the Government Accountability Board has taken several actions to amend certain provisions of Chapter GAB 1, Wis. Adm. Code, relating to Campaign Financing. Most of these amendments were simply to bring the rules in compliance with current law and opinions of the Board, correct grammatical errors, or correct references to forms. In addition, the Board's previous actions required the creation of s. GAB 1.21 relating to the treatment of contributions drawn on joint checking accounts.

Attached to this Memorandum is the proposed Statement of Scope, Notice of Proposed Order Adopting Rule, Notice of Submittal to Legislative Council Clearinghouse, and Notice of Hearing. The Statement of Scope and Analysis section of the Notice of Proposed Order provide details on the revisions previously approved by the Board.

While none of these revisions are controversial and despite the fact that they have all come before the Board previously without any contrary public comment, the Board should note that Attorney Mike Wittenwyler has questioned the Board's authority to enforce the current ss. GAB 1.85, Wis. Adm. Code, which requires conduits to file continuing reports and reports of late contributions or disbursements. Attorney Wittenwyler has alleged that since §11.12(5), Wis. Stats., which establishes the statutory requirement to file reports of late contributions, does not reference conduits, they are not required to file reports of late contributions.

However, §11.06(11), Wis. Stats., clearly mandates that conduits comply with the provisions of reporting found in §§11.12 and 11.20, Wis. Stats. In effect, §11.06(11), Wis. Stats., incorporates by reference the reporting requirements of §§11.12 and 11.20, Wis. Stats., and applies those reporting requirements to conduits. Furthermore, s. GAB 1.15, Wis. Adm. Code, has required all “registrants” to file reports of late campaign activity. This rule has been in place since 1992 and was not the subject of any contrary public comment when it was reviewed by the Board pursuant to 2007 Act 1. In addition, s. GAB 1.85, Wis. Adm. Code, has been in effect since 1986, first as an emergency rule and then as a permanent rule. This rule was not the subject of any contrary public comment when it was reviewed by the Board pursuant to 2007 Act 1. Finally, conduit reporting of campaign finance activity has been the policy of the former State Elections Board and now the Government Accountability Board for the past 23 years. Staff believes there is ample legal authority for the continued requirement that conduits report campaign finance activity, including reports of late contributions.

Approval of the attached documents will allow staff to proceed forward with promulgation of the rules necessary to revise the relevant provisions of Chapter GAB 1 and keep things moving between Board meetings.

Recommendations and Proposed Motions:

1. **MOTION:** Pursuant to §§5.05(1)(f), 227.11(2)(a), 227.135, 227.14(4m), 227.15(1), and 227.16-17, Wis. Stats., the Board formally approves the attached Statement of Scope, Notice of Proposed Order Adopting Rule, Notice of Submittal to Legislative Council Clearinghouse, and Notice of Hearing for revisions to Chapter GAB 1, Wis. Adm. Code, and directs staff to proceed with promulgation of the rules.

2. **MOTION:** Staff shall take all other steps necessary to complete promulgation of the rules revising Chapter GAB 1, Wis. Adm. Code.

Statement of Scope
Government Accountability Board
Campaign Financing, ss. GAB 1.10, 1.15, 1.20, 1.21, 1.26, 1.43, 1.85, 1.855

Subject

Amend ss. GAB 1.10 (title), 1.20(9), 1.26(3), (4) and (6), 1.43(2)(a), 1.85(4), (5) and (7), and 1.855(2) and(3); repeal and recreate s. GAB 1.15; and create s. GAB 1.21

Objectives of the Rules

Amend s. GAB 1.10 (title) to align with the body of the section. Remove language from s. GAB 1.15 providing that special reports of late campaign activity are considered timely filed if they are post marked by the deadline rather than received by the deadline. Remove a reference to a form that is no longer used in s. GAB 1.20(9). Correct a grammatical error in s. GAB 1.26(3) where "both" refers to three forms. Remove from s. GAB 1.43(2)(a) the requirement to list the candidates supported. Amend s. GAB 1.85(4) and (7) to reflect statutory changes only requiring contributor's name, address, occupation, employer, and employer address to be reported for contributions in excess of \$100 and require conduits to file a special report of late campaign activity if the late contribution is \$500 or more. Amend s. GAB 1.855(2) and (3) to codify the board's holding in El. Bd. Op. 98-1 that conduits can transfer money to political committees. Create s. GAB 1.21 to codify the board's holding in El. Bd. Op. 75-5 that a registrant may not assume a contribution of over \$100 drawn on a joint account is from the signer of the check.

Policy Analysis

The amendments to ss. GAB 1.10 (title), 1.20(9), and 1.26(3), (4) and (6) will have no policy effect. The modifications to s. GAB 1.15 will require candidates and committees to have their special report of late campaign activity by the deadline to the filing officer by the statutory deadline rather than having the reports in the mail by the statutory deadline. The modifications to ss. GAB 1.43(2)(a), 1.85(4), (5) and (7), and 1.855(2) and (3) bring those sections in to accord with statutory provisions. Currently, s. GAB 1.43(2)(a) requires committees to list the candidates they support on their registration statement; however, 1985 Wisconsin Act 303 removed this requirement from the statutes, and the proposed rule would eliminate this requirement from the administrative code as well. Section GAB 1.85(4) currently requires committees to report employer information for contributors who give over \$50, but the statute only requires such information for contributors who give over \$100. Similarly s. GAB 1.85(7) requires a special report of late contribution if the late contribution exceeds \$500, but the statutes require the report if the contribution is \$500 or more. The rule will modify both subsections to require committees to record employment information and submit special reports only when required by statute. Sections GAB 1.855 (2) and (3) list the entities a conduit can transmit contributions to, but do not include political committees, which the board authorized in El. Bd. Op. 98-1. The proposed rule would codify this opinion and make it clear that

conduits are allowed to transmit contributions to political committees. Finally, s. GAB 1.21 will be created and require registrants to affirmatively inquire who a contribution in excess of \$100 drawn on a joint account is from.

Statutory Authority

Sections 5.05(1)(f), and 227.11(2)(a), Stats.

Comparison with Federal Regulations

Federal political committees are not required to list the candidates they support unless they are authorized by a candidate to receive contributions and make expenditures on that candidate's behalf. 11 CFR § 102.2(a)(1)(v). Federal regulations require conduits to report a contributor's employment information if the contribution is \$200 or more. 11 CFR 110.6(c)(1)(iv). Federal regulations require contributions of \$1,000 or more received in the last 20 days of the campaign to be reported within 48 hours unless there are fewer than 48 hours remaining before the date of the election. 11 CFR 104.5(f). These late reports can be filed by fax or through the FEC's electronic reporting system, even if the registrant does not file its normal reports electronically. 11 CFR 100.19(e). Federal regulations permit conduits to transmit contributions only to candidates or candidates' authorized committees. 11 CFR 110.6(b)(2). This rule does not apply to federal candidates and will not conflict with federal regulations.

Entities Affected by the Rules

All registrants that accept contributions in excess of \$100, all registrants that are required to file special reports of late contribution, conduits that desire to transmit contributions to political committees, and political committees that support candidates.

Estimate of Time Needed to Develop the Rules

10-15 hours.

Proposed Rule
Government Accountability Board
Campaign Financing, ss. GAB 1.10, 1.15, 1.20, 1.21, 1.26, 1.43, 1.85, 1.855

The Government Accountability Board proposes an order to amend various sections of Ch. GAB 1, Wis. Adm. Code, relating to filing campaign financing.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutes Interpreted: ss. 11.01(5m), 11.05(1), 11.06(1), 11.06(11), 11.07(1), 11.12(5), 11.20, 11.50, Stats.
2. Statutory Authority: ss. 5.05(1)(f) and 227.11(2)(a), Stats.
3. Explanation of agency authority: Section 11.12(5), Stats., requires special reports of late activity to be filed within 24 hours after receipt of a contribution but does not specify whether the report must be sent within 24 hours or received within 24 hours. The proposed revision to s. GAB 1.15 requires that reports be received within 24 hours to ensure that the public has access to the report. The revision also requires registrants whose filing officer is the board to file these reports using CFIS, regardless of whether the registrant files its regular reports in CFIS.

Section 11.06, Stats., requires that registrants report the name and address of any contributor who contributes over \$20. The statute does not provide guidance to registrants on how to allocate contributions drawn on a joint account. Guidance was provided in El. Bd. Op. 75-5 permitting committees to assume that the contribution was from the signer of the check; however, the board amended that opinion on May 5, 2008 to require that committees informatively inquire who contributions over \$100 are from. The proposed Section GAB 1.21 codifies this amended holding. The proposed revisions to s. GAB 1.855(2) and (3) codify the board's holding in El. Bd. Op. 98-1 that conduits can transfer money to political committees.

The proposed revision to s. GAB 1.26 corrects a grammatical error and updates form names. The proposed revision to s. GAB 1.20(9) removes a reference to a form that is no longer used. The proposed revision to s. GAB 1.10 corrects that section's title to accurately reflect the content of the section.

The proposed revision to s. GAB 1.43 removes a requirement that a committee amending its registration list the candidates the committee supported. This information is no longer required by s. 11.05, Stats. The proposed revision to s. GAB 1.85(4) and (7) revise the threshold amount for collecting employer information from a contributor and filing a special report of late contribution to match the amounts in ss. 11.06(1)(b) and 11.12(5), Stats.

4. Related statute(s) or rule(s): ss. 11.01(5m), 11.05(1), 11.06(1), 11.06(11), 11.07(1), 11.12(5), 11.20, 11.50, Stats.
5. Plain language analysis: The amendments to ss. GAB 1.10 (title), 1.20(9), and 1.26(3) will have no policy effect. The modifications to s. GAB 1.15 will require candidates and committees to have their special report of late campaign activity by the deadline to the filing officer by the statutory deadline rather than having the reports in the mail by the statutory deadline. The modifications to ss. GAB 1.43(2)(a), 1.85(4) and (7), and 1.855(2) and (3) bring those sections into accord with statutory requirements and board opinions. Currently, s. GAB 1.43(2)(a) requires committees to list the candidates they support on their registration statement; however, 1985 Wisconsin Act 303 removed this requirement from the statutes, and the proposed rule would eliminate this requirement from the administrative code as well. Section GAB 1.85(4) currently requires committees to report employer information for contributors who give over \$50, but the statute only requires such information for contributors who give over \$100. Similarly s. GAB 1.85(7) requires a special report of late contribution if the late contribution exceeds \$500, but the statutes require the report if the contribution is \$500 or more. The rule will modify both subsections to require committees to record employment information and submit special reports only when required by statute. Sections GAB 1.855 (2) and (3) list the entities a conduit can transmit contributions to, but do not include political committees, which the board authorized in El. Bd. Op. 98-1. The proposed rule would codify this opinion and make it clear that conduits are allowed to transmit contributions to political committees. Finally, s. GAB 1.21 will be created and require registrants to affirmatively inquire who a contribution in excess of \$100 drawn on a joint account is from.
6. Summary of, and comparison with, existing or proposed federal regulations: Federal political committees are not required to list the candidates they support unless they are authorized by a candidate to receive contributions and make expenditures on that candidate's behalf. 11 CFR § 102.2(a)(1)(v). Federal regulations require conduits to report a contributor's employment information if the contribution is \$200 or more. 11 CFR 110.6(c)(1)(iv). Federal regulations require contributions of \$1,000 or more received in the last 20 days of the campaign to be reported within 48 hours unless there are fewer than 48 hours remaining before the date of the election. 11 CFR 104.5(f). These late reports can be filed by fax or through the FEC's electronic reporting system, even if the registrant does not file its normal reports electronically. 11 CFR 100.19(e). Federal regulations permit conduits to transmit contributions only to candidates or candidates' authorized committees. 11 CFR 110.6(b)(2). This rule does not apply to federal candidates and will not conflict with federal regulations.
7. Comparison with rules in adjacent states:

Illinois requires registrants to report the name and address of contributor's who contribute more than \$50 but does not require employer data for any contributor. Ill. Adm. Code 100.120. Illinois requires reports to either be received by the deadline or postmarked 72 hours before the deadline. Ill. Adm. Code 100.125. Illinois does not have a special report of late activity.

Iowa requires reports be postmarked by their due date in order to be considered timely filed unless the due date is less than 5 days before an election in which case the report must be received by 4:30 PM on the due date. 351 IAC 4.10. Iowa requires late reports for some candidates depending on the total amount of contributions they receive after the last filing period rather than the amount they receive for an individual contributor. 351 IAC 4.9. Contributions drawn on joint accounts are assumed to be from the signer of the check. 351 IAC 4.14. Iowa does not require reporting of employer information for any contributors. *Id.*

Michigan requires pre-election reports to be postmarked two days before the deadline to be considered timely filed. s. 169.216(9), Mich. Stats. All other reports are considered timely filed if they are postmarked by the deadline. *Id.* Michigan requires registrants to report contributors' employer information if the contribution is \$100 or over. s. 169.226, Mich. Stats. Michigan requires contributions of \$200 or more received after the filing of the last report before an election to be reported within 48 hours. Mich. Adm. Code 169.232. The reports can be filed by any written means. *Id.*

Minnesota considers reports timely filed if they are either received or postmarked by the deadline. Minn. R. 4501.0500. Special reports of late contribution are required if a registrant receives a contribution of 80% of the contribution limit between the close of the last reporting period and the election. s. 10A.20, Minn. Stats. The report must be filed either in person the next day or electronically within 24 hours. *Id.* Contributions drawn on a joint account are considered to be from the check's signers equally unless the treasurer knows that was not the intent or has talked to a non-signer and been told that the non-signer is also a contributor. Minn. R. 4502.0500(6).

8. Summary of factual data and analytical methodologies: Adoption of the rules were primarily predicated on aligning the requirements in administrative rules and the statutes they interpret.
9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.

11. Agency contact person: Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984; Phone 266-2094; Shane.Falk@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984, no later than September 14, 2009.

FISCAL ESTIMATE: The creation of this rule has no fiscal effect.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. GAB 1.10 (title) is amended to read:

GAB 1.10 (title) ~~Reporting~~ Registration by nonresident committees and groups.

SECTION 2. GAB 1.20(9) is amended to read:

1.20(9) Any registrant who makes or receives an in-kind contribution shall report the contribution on ~~Schedule 3-C~~ of its campaign finance report.

SECTION 3. GAB 1.26(3), (4), and (6) is amended to read:

1.26(3) A candidate who applies for a grant from the Wisconsin election campaign fund and who returns a contribution that was deposited into the campaign depository shall report the returned contribution on either the Wisconsin election campaign fund campaign finance report, Form ~~EB-24~~ GAB-24, or the campaign finance report, Form ~~EB-2~~ GAB-2. The candidate shall make the report on the form that is due for the period when the contribution was returned. When the candidate reports on Form ~~EB-24~~ GAB-24, the candidate shall report the returned contributions on ~~both~~ Schedule 2-A, DISBURSEMENTS, Schedule 2-D, EXCLUSIONS FROM SPENDING LIMITS, and Schedule 3-A, ADDITIONAL DISCLOSURE as a returned contribution. When the candidate reports on Form ~~2-A~~ GAB-2, the candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as returned contribution.

1.26(4) Any registrant and candidate who does not apply for a grant from the Wisconsin election campaign fund who returns a contribution that was deposited into the campaign depository shall report the returned contribution on the campaign finance report, Form ~~EB-2~~ GAB-2, that is due for the period when the contribution was returned. The candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as a returned contribution.

1.26(6) A registrant who receives a return of contribution shall report it on the campaign finance report, Form ~~EB-2~~ GAB-2, on Schedule 1-C, OTHER INCOME, and shall designate this as "return of contribution."

SECTION 4. GAB 1.43(2)(a) is amended to read:

1.43(2)(a) Filing a duplicate consolidated registration statement or amending a previously filed registration statement with the appropriate filing officer or officers, indicating all ~~candidates and~~ referenda supported or opposed, or

SECTION 5. GAB 1.85(4), (5), and (7) are amended to read:

1.85(4) A conduit shall report to the transferee the full name and address, the occupation and the name and address of the principal place of employment, if any, of the contributor if the contributor's cumulative contributions exceed ~~\$50~~ \$100 for the calendar year.

1.85(5) A conduit shall file a campaign finance report, form ~~EB-10~~ GAB-10, at the times specified in s. 11.20, Stats., except that the pre-primary or pre-election report is filed only when a contribution is made during that period. If the conduit has no reportable activity during the continuing report period, the conduit may report on the campaign finance report, short form, form ~~EB-2a~~ GAB-2a.

1.85(7) A conduit shall file with the filing officer a special report of late contribution, form ~~EB-3~~ GAB-4, within 24 hours of making a transfer to a candidate or committee of ~~more than~~ \$500 or more in a single amount or cumulatively received during the 15 day period before the primary or election.

SECTION 6. GAB 1.855(2) and (3) are amended to read:

1.855(2) A contribution from a conduit account shall be in the form of a check or other negotiable instrument made out to the named candidate or to the candidate's personal campaign committee, or to a legislative campaign committee, political party committee, ~~or~~ support committee under s. 11.18, Stats., or a political committee. A conduit may not make an in-kind contribution as defined in s. GAB 1.20 (1) (e).

1.855(3) A contribution from a conduit account shall be transferred to a candidate, a personal campaign or legislative campaign committee, or a political party, ~~or~~ support committee, or political committee within 15 days of the conduit administrator's receipt of the member's authorization.

SECTION 7. GAB 1.15 is repealed and recreated to read:

GAB 1.15 Filing reports of late campaign activity.

(1) In this section:

(a) "Filing officer" has the meaning given in s. 11.01(8), Stats.

(b) "Board" means the government accountability board.

(2) Any registrant required to file a special report of late campaign activity pursuant to ss. 11.12 (5), (6) and 11.23 (6), Stats., shall comply with the provisions of this section.

(3) The following pars. apply to registrants whose filing officer is the board, regardless of whether the registrant is required by s. 11.21(16), Stats., to file its regular campaign finance reports using the Campaign Finance Information System:

(a) A registrant required to file a special report disclosing the receipt of contributions from a single source totaling \$500 or more cumulatively during the 15 day period immediately preceding a primary or an election shall use the board's internet-based Campaign Finance Information System.

(b) A registrant required to file a special report of late independent disbursement exceeding \$20 during the 15 day period immediately preceding a primary or an election shall use the board's internet-based Campaign Finance Information System.

(4) The following pars. apply to registrants whose filing officer is not the board:

(a) A registrant required to file a special report disclosing the receipt of contributions from a single source totaling \$500 or more cumulatively during the 15 day period immediately preceding a primary or an election shall use Form GAB-3 or use a format which is acceptable to the filing officer and which contains the information required by the board on Form GAB-3.

(b) A registrant required to file a special report of late independent disbursement exceeding \$20 during the 15 day period immediately preceding a primary or an election shall use Form GAB-7 or shall use a format which is acceptable to the filing officer and which contains the information required by the board on form GAB-7.

(5) A special report of late campaign activity is timely filed when it is in the physical possession of the filing officer within the time prescribed for filing.

(6) If the date on which a special report of late campaign activity is due is a Saturday, Sunday, or legal holiday, the special report shall not be due until the next business day.

SECTION 8. GAB 1.21 is created to read:

GAB 1.21 Contributions drawn on joint accounts

- (1) The following pars. apply to contributions of \$100 or less drawn on joint accounts:
- (a) A registrant may assume, absent evidence to the contrary, that a contribution of \$100 or less in the form of a check drawn on a joint account is from the signer of the check.
 - (b) If a registrant is aware of evidence suggesting the contribution is not from the signer of the check, the registrant shall affirmatively inquire whether the contribution is a joint contribution or from an individual account holder.
- (2) The following pars. apply to contributions exceeding \$100 drawn on joint accounts:
- (a) A registrant may not assume that a contribution exceeding \$100 in the form of a check drawn on a joint account is from the signer of the check.
 - (b) A registrant shall affirmatively inquire whether the contribution is a joint contribution or from an individual account holder.
 - (c) A registrant shall instruct contributors contributing via a joint account to state on the memo line of the check either that the contribution is a joint contribution or which individual account holder it is from.

SECTION 9. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.(22)(intro.), Stats.

Government Accountability Board
Campaign Financing-- ss. GAB 1.10, 1.15, 1.20, 1.21, 1.26, 1.43, 1.85, 1.855
CR 09-

On August ____, 2009, the Government Accountability Board submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order amends certain provisions of Chapter GAB 1 to conform to law and actions of the Government Accountability Board. The proposed order will amend s. GAB 1.10 (title) to align with the body of the section. It will remove language from s. GAB 1.15 providing that special reports of late campaign activity are considered timely filed if they are post marked by the deadline rather than received by the deadline. It will remove a reference to a form that is no longer used in s. GAB 1.20(9). It will correct a grammatical error in s. GAB 1.26(3) where "both" refers to three forms. It will remove from s. GAB 1.43(2)(a) the requirement to list the candidates supported. It will amend s. GAB 1.85(4) and (7) to reflect statutory changes only requiring contributor's name, address, occupation, employer, and employer address to be reported for contributions in excess of \$100 and require conduits to file a special report of late campaign activity if the late contribution is \$500 or more. It will amend s. GAB 1.855(2) and (3) to codify the board's holding in El. Bd. Op. 98-1 that conduits can transfer money to political committees. Finally, the proposed order will amend certain provisions of Chapter GAB 1 to reference updated forms.

The proposed order also creates s. GAB 1.21 to codify the board's holding in El. Bd. Op. 75-5 that a registrant may not assume a contribution of over \$100 drawn on a joint account is from the signer of the check.

Agency Procedure for Promulgation

A public hearing will be scheduled at a later time. The Government Accountability Board is primarily responsible for preparing the proposed rule.

Contact Information

Shane W. Falk, Staff Counsel
Government Accountability Board
212 E. Washington Avenue, 3rd Floor
P.O. Box 7984, Madison, Wisconsin 53707-7984
Phone 266-2094; Shane.Falk@wisconsin.gov

NOTICE OF HEARING
GOVERNMENT ACCOUNTABILITY BOARD
CR 09-

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05(1)(f), 227.11(2)(a), Stats., and interpreting ss. 11.01(5m), 11.05(1), 11.06(1), 11.06(11), 11.07(1), 11.12(5), 11.20, 11.50, Stats., the Government Accountability Board will hold a public hearing to consider adoption of rules to amend, repeal and recreate various provisions of Ch. GAB 1, Wis. Adm. Code, relating to campaign financing.

Hearing Information

The public hearing will be held at the time and location shown below.

Date and Time

at _____

Location

Government Accountability Board Office
212 E. Washington Avenue, 3rd Floor
Madison, Wisconsin 53703

This public hearing site is accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact the person listed below.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutes Interpreted: ss. 11.01(5m), 11.05(1), 11.06(1), 11.06(11), 11.07(1), 11.12(5), 11.20, 11.50, Stats.
2. Statutory Authority: ss. 5.05(1)(f) and 227.11(2)(a), Stats.
3. Explanation of agency authority: Section 11.12(5), Stats., requires special reports of late activity to be filed within 24 hours after receipt of a contribution but does not specify whether the report must be sent within 24 hours or received within 24 hours. The proposed revision to s. GAB 1.15 requires that reports be received within 24 hours to ensure that the public has access to the report. The revision also requires registrants whose filing officer is the board to file these reports using CFIS, regardless of whether the registrant files its regular reports in CFIS.

Section 11.06, Stats., requires that registrants report the name and address of any contributor who contributes over \$20. The statute does not provide guidance to registrants on how to allocate contributions drawn on a joint account. Guidance was provided in El. Bd. Op. 75-5 permitting committees to assume that the contribution was from the signer of the check; however, the board amended that opinion on May 5, 2008 to require that committees informatively inquire who contributions over \$100 are from. The proposed Section GAB 1.21 codifies this amended holding. The proposed revisions to s. GAB 1.855(2) and (3) codify the

board's holding in El. Bd. Op. 98-1 that conduits can transfer money to political committees.

The proposed revision to s. GAB 1.26 corrects a grammatical error and updates form names. The proposed revision to s. GAB 1.20(9) removes a reference to a form that is no longer used. The proposed revision to s. GAB 1.10 corrects that section's title to accurately reflect the content of the section.

The proposed revision to s. GAB 1.43 removes a requirement that a committee amending its registration list the candidates the committee supported. This information is no longer required by s. 11.05, Stats. The proposed revision to s. GAB 1.85(4) and (7) revise the threshold amount for collecting employer information from a contributor and filing a special report of late contribution to match the amounts in ss. 11.06(1)(b) and 11.12(5), Stats.

4. Related statute(s) or rule(s): ss. 11.01(5m), 11.05(1), 11.06(1), 11.06(11), 11.07(1), 11.12(5), 11.20, 11.50, Stats.
5. Plain language analysis: The amendments to ss. GAB 1.10 (title), 1.20(9), and 1.26(3) will have no policy effect. The modifications to s. GAB 1.15 will require candidates and committees to have their special report of late campaign activity by the deadline to the filing officer by the statutory deadline rather than having the reports in the mail by the statutory deadline. The modifications to ss. GAB 1.43(2)(a), 1.85(4) and (7), and 1.855(2) and (3) bring those sections into accord with statutory requirements and board opinions. Currently, s. GAB 1.43(2)(a) requires committees to list the candidates they support on their registration statement; however, 1985 Wisconsin Act 303 removed this requirement from the statutes, and the proposed rule would eliminate this requirement from the administrative code as well. Section GAB 1.85(4) currently requires committees to report employer information for contributors who give over \$50, but the statute only requires such information for contributors who give over \$100. Similarly s. GAB 1.85(7) requires a special report of late contribution if the late contribution exceeds \$500, but the statutes require the report if the contribution is \$500 or more. The rule will modify both subsections to require committees to record employment information and submit special reports only when required by statute. Sections GAB 1.855 (2) and (3) list the entities a conduit can transmit contributions to, but do not include political committees, which the board authorized in El. Bd. Op. 98-1. The proposed rule would codify this opinion and make it clear that conduits are allowed to transmit contributions to political committees. Finally, s. GAB 1.21 will be created and require registrants to affirmatively inquire who a contribution in excess of \$100 drawn on a joint account is from.
6. Summary of, and comparison with, existing or proposed federal regulations: Federal political committees are not required to list the candidates they support unless they are authorized by a candidate to receive contributions and make

expenditures on that candidate's behalf. 11 CFR § 102.2(a)(1)(v). Federal regulations require conduits to report a contributor's employment information if the contribution is \$200 or more. 11 CFR 110.6(c)(1)(iv). Federal regulations require contributions of \$1,000 or more received in the last 20 days of the campaign to be reported within 48 hours unless there are fewer than 48 hours remaining before the date of the election. 11 CFR 104.5(f). These late reports can be filed by fax or through the FEC's electronic reporting system, even if the registrant does not file its normal reports electronically. 11 CFR 100.19(e). Federal regulations permit conduits to transmit contributions only to candidates or candidates' authorized committees. 11 CFR 110.6(b)(2). This rule does not apply to federal candidates and will not conflict with federal regulations.

7. Comparison with rules in adjacent states:

Illinois requires registrants to report the name and address of contributor's who contribute more than \$50 but does not require employer data for any contributor. Ill. Adm. Code 100.120. Illinois requires reports to either be received by the deadline or postmarked 72 hours before the deadline. Ill. Adm. Code 100.125. Illinois does not have a special report of late activity.

Iowa requires reports be postmarked by their due date in order to be considered timely filed unless the due date is less than 5 days before an election in which case the report must be received by 4:30 PM on the due date. 351 IAC 4.10. Iowa requires late reports for some candidates depending on the total amount of contributions they receive after the last filing period rather than the amount they receive for an individual contributor. 351 IAC 4.9. Contributions drawn on joint accounts are assumed to be from the signer of the check. 351 IAC 4.14. Iowa does not require reporting of employer information for any contributors. *Id.*

Michigan requires pre-election reports to be postmarked two days before the deadline to be considered timely filed. s. 169.216(9), Mich. Stats. All other reports are considered timely filed if they are postmarked by the deadline. *Id.* Michigan requires registrants to report contributors' employer information if the contribution is \$100 or over. s. 169.226, Mich. Stats. Michigan requires contributions of \$200 or more received after the filing of the last report before an election to be reported within 48 hours. Mich. Adm. Code 169.232. The reports can be filed by any written means. *Id.*

Minnesota considers reports timely filed if they are either received or postmarked by the deadline. Minn. R. 4501.0500. Special reports of late contribution are required if a registrant receives a contribution of 80% of the contribution limit between the close of the last reporting period and the election. s. 10A.20, Minn. Stats. The report must be filed either in person the next day or electronically within 24 hours. *Id.* Contributions drawn on a joint account are considered to be from the check's signers equally unless the treasurer knows that was not the intent

or has talked to a non-signer and been told that the non-signer is also a contributor. Minn. R. 4502.0500(6).

8. Summary of factual data and analytical methodologies: Adoption of the rules were primarily predicated on aligning the requirements in administrative rules and the statutes they interpret.
9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.
11. Agency contact person: Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984; Phone 266-2094; Shane.Falk@wisconsin.gov
12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984, no later than September 14, 2009.

FISCAL ESTIMATE: The creation of this rule has no fiscal effect.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. GAB 1.10 (title) is amended to read:

GAB 1.10 (title) Reporting Registration by nonresident committees and groups.

SECTION 2. GAB 1.20(9) is amended to read:

1.20(9) Any registrant who makes or receives an in-kind contribution shall report the contribution on ~~Schedule 3-C~~ of its campaign finance report.

SECTION 3. GAB 1.26(3), (4), and (6) is amended to read:

1.26(3) A candidate who applies for a grant from the Wisconsin election campaign fund and who returns a contribution that was deposited into the campaign depository shall report the returned contribution on either the Wisconsin election campaign fund campaign finance report, Form ~~EB-24~~ GAB-24, or the campaign finance report, Form ~~EB-2~~ GAB-2. The candidate shall make the report on the form that is due for the period when the contribution was returned. When the candidate reports on Form ~~EB-24~~ GAB-24, the candidate shall report the returned contributions on ~~both~~ Schedule 2-A,

DISBURSEMENTS, Schedule 2-D, EXCLUSIONS FROM SPENDING LIMITS, and Schedule 3-A, ADDITIONAL DISCLOSURE as a returned contribution. When the candidate reports on Form ~~2-A~~ GAB-2, the candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as returned contribution.

1.26(4) Any registrant and candidate who does not apply for a grant from the Wisconsin election campaign fund who returns a contribution that was deposited into the campaign depository shall report the returned contribution on the campaign finance report, Form ~~EB-2~~ GAB-2, that is due for the period when the contribution was returned. The candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as a returned contribution.

1.26(6) A registrant who receives a return of contribution shall report it on the campaign finance report, Form ~~EB-2~~ GAB-2, on Schedule 1-C, OTHER INCOME, and shall designate this as "return of contribution."

SECTION 4. GAB 1.43(2)(a) is amended to read:

1.43(2)(a) Filing a duplicate consolidated registration statement or amending a previously filed registration statement with the appropriate filing officer or officers, indicating all ~~candidates and~~ referenda supported or opposed, or

SECTION 5. GAB 1.85(4), (5), and (7) are amended to read:

1.85(4) A conduit shall report to the transferee the full name and address, the occupation and the name and address of the principal place of employment, if any, of the contributor if the contributor's cumulative contributions exceed ~~\$50~~ \$100 for the calendar year.

1.85(5) A conduit shall file a campaign finance report, form ~~EB-10~~ GAB-10, at the times specified in s. 11.20, Stats., except that the pre-primary or pre-election report is filed only when a contribution is made during that period. If the conduit has no reportable activity during the continuing report period, the conduit may report on the campaign finance report, short form, form ~~EB-2a~~ GAB-2a.

1.85(7) A conduit shall file with the filing officer a special report of late contribution, form ~~EB-3~~ GAB-4, within 24 hours of making a transfer to a candidate or committee of ~~more than~~ \$500 or more in a single amount or cumulatively received during the 15 day period before the primary or election.

SECTION 6. GAB 1.855(2) and (3) are amended to read:

1.855(2) A contribution from a conduit account shall be in the form of a check or other negotiable instrument made out to the named candidate or to the candidate's personal

campaign committee, or to a legislative campaign committee, political party committee, ~~or~~ support committee under s. 11.18, Stats., or a political committee. A conduit may not make an in-kind contribution as defined in s. GAB 1.20 (1) (e).

1.855(3) A contribution from a conduit account shall be transferred to a candidate, a personal campaign or legislative campaign committee, or a political party, ~~or~~ support committee, or political committee within 15 days of the conduit administrator's receipt of the member's authorization.

SECTION 7. GAB 1.15 is repealed and recreated to read:

GAB 1.15 Filing reports of late campaign activity.

(1) In this section:

(a) "Filing officer" has the meaning given in s. 11.01(8), Stats.

(b) "Board" means the government accountability board.

(2) Any registrant required to file a special report of late campaign activity pursuant to ss. 11.12 (5), (6) and 11.23 (6), Stats., shall comply with the provisions of this section.

(3) The following pars. apply to registrants whose filing officer is the board, regardless of whether the registrant is required by s. 11.21(16), Stats., to file its regular campaign finance reports using the Campaign Finance Information System:

(a) A registrant required to file a special report disclosing the receipt of contributions from a single source totaling \$500 or more cumulatively during the 15 day period immediately preceding a primary or an election shall use the board's internet-based Campaign Finance Information System.

(b) A registrant required to file a special report of late independent disbursement exceeding \$20 during the 15 day period immediately preceding a primary or an election shall use the board's internet-based Campaign Finance Information System.

(4) The following pars. apply to registrants whose filing officer is not the board:

(a) A registrant required to file a special report disclosing the receipt of contributions from a single source totaling \$500 or more cumulatively during the 15 day period immediately preceding a primary or an election shall use Form GAB-3 or use a format which is acceptable to the filing officer and which contains the information required by the board on Form GAB-3.

(b) A registrant required to file a special report of late independent disbursement exceeding \$20 during the 15 day period immediately preceding a primary or an

election shall use Form GAB-7 or shall use a format which is acceptable to the filing officer and which contains the information required by the board on form GAB-7.

(5) A special report of late campaign activity is timely filed when it is in the physical possession of the filing officer within the time prescribed for filing.

(6) If the date on which a special report of late campaign activity is due is a Saturday, Sunday, or legal holiday, the special report shall not be due until the next business day.

SECTION 8. GAB 1.21 is created to read:

GAB 1.21 Contributions drawn on joint accounts

(1) The following pars. apply to contributions of \$100 or less drawn on joint accounts:

- (a) A registrant may assume, absent evidence to the contrary, that a contribution of \$100 or less in the form of a check drawn on a joint account is from the signer of the check.
- (b) If a registrant is aware of evidence suggesting the contribution is not from the signer of the check, the registrant shall affirmatively inquire whether the contribution is a joint contribution or from an individual account holder.

(2) The following pars. apply to contributions exceeding \$100 drawn on joint accounts:

- (a) A registrant may not assume that a contribution exceeding \$100 in the form of a check drawn on a joint account is from the signer of the check.
- (b) A registrant shall affirmatively inquire whether the contribution is a joint contribution or from an individual account holder.
- (c) A registrant shall instruct contributors contributing via a joint account to state on the memo line of the check either that the contribution is a joint contribution or which individual account holder it is from.

SECTION 9. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.(22)(intro.), Stats.

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

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

At its meeting of March 30, 2009, the Board approved a Proposed Order to repeal and recreate the permanent version of Chapter GAB 4, which regulates the conduct of election observers. The proposed order was sent to the Legislative Council for its review. Subsequently, staff discovered that a Statement of Scope had not been approved or published for the new rule, which is the first required step for rule promulgation under Chapter 227. The scope statement may have been inadvertently omitted due to the fact that this rule was originally promulgated as an emergency rule prior to the November 2008 General Election and a public hearing was held as part of that rulemaking process.

The emergency rule version of Ch. GAB 4 has expired. The proposed permanent rule is intended to be substantively identical to the emergency rule which was credited with improving order at the polls during the 2008 General Election. Approving the attached Statement of Scope of Proposed Rule is necessary as the first step in authorizing staff to proceed with promulgation of the new permanent rule, and would be consistent with the Board's previous action. Following publication of the Statement of Scope, staff will resubmit to the Board the Proposed Order which was originally approved in March.

Recommendation and Proposed Motion:

Staff recommends adoption of the following motion:

Pursuant to §§5.05(1)(f) and 227.11(2)(a), Wis. Stats., the Board formally approves the attached Statement of Scope, and directs staff to proceed with promulgation of the repeal and re-creation of GAB 4.

STATEMENT OF SCOPE OF PROPOSED RULE

Wisconsin Government Accountability Board

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

Description of policy issues:

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

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

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

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

Statutory authority for the rule:

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

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

10-20 hours of state employees' time.

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

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

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

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

Administrative Code/GAB 4/stmnt scope

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Promulgation of Rules Creating ch. GAB 22

Introduction:

This Memorandum is for informational purposes only and simply to provide a more detailed status report regarding the promulgation of a settlement offer schedule in Chapter GAB 22 of the Wisconsin Administrative Code. Section 5.05(2m)(c)12., Wis. Stats., specifically authorizes the Board to prescribe by rule categories of civil offenses which the Board will agree to compromise and settlement without a formal investigation upon payment of specified amounts by the alleged offender. The Board may authorize the Administrator of the Ethics and Accountability Division to compromise and settle such alleged offenses in the name of the Board, if the alleged offenses by an offender, in the aggregate, do not involve payment of more than \$1,000.00.

Status:

At the Board's meeting on March 30, 2009, the draft of Chapter GAB 22 was approved. It was submitted to the Legislative Council's Office and suggested edits have been made. A public hearing was held on July 28, 2009. Attached to this Memorandum is the current form of Chapter GAB 22, which staff will submit to the legislature along with a report for the legislature's review prior to publication. The relevant committees of the legislature will have 30 days to review the submission. Assuming there are no extensions or objections by the legislature, Chapter GAB 22 can then be published at which time it will be in effect.

Summary of Public Hearing:

Only four people appeared for the public hearing on July 28, 2009 and none wished to make comments on the record. The four appearing were: Mike McCabe representing the Wisconsin Democracy Campaign; Jim Boullion representing the Association of General Contractors of

Wisconsin and the Association of Wisconsin Lobbyists; Mike Semmann representing the Wisconsin Banker's Association and the Association of Wisconsin Lobbyists; and Bob Mannina representing the Federal Bureau of Investigation.

Mike McCabe of the Wisconsin Democracy Campaign did remind me that he had submitted written comments for the Board meeting on January 28, 2008, in which he generally called for a more systematic regulation of campaign finance reporting violations. Please note the comments found in the last paragraph. Staff's draft of Chapter GAB 22 already incorporates provisions that address Mr. McCabe's comments. Attached to this Memorandum are Mr. McCabe's excerpted written comments that were previously submitted to the Board on January 28, 2008. Overall, Mr. McCabe reported that he was pleased with the form of Chapter GAB 22 and that it adequately addressed concerns set forth in his prior written comments; however, he did criticize the 5 day grace period for filing reports.

NOTICE OF PUBLIC HEARING
GOVERNMENT ACCOUNTABILITY BOARD
CR 09-035

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05(1)(f) and 227.11(2)(a), Stats., and interpreting ss. 5.05(2m)(c)12., 11.05, 11.055, 11.06, 11.12, 11.20, 11.21, 11.26, 13.64, 13.65, 13.66, 13.67, 13.68, 13.625, and 19.43, Stats., the Government Accountability Board will hold a public hearing to consider adoption of a rule to create ch. GAB 22 relating to settlement of certain campaign finance, ethics and lobbying violations.

Hearing Information

The public hearing will be held at the time and location shown below:

<u>Date and Time</u>	<u>Location</u>
July 28, 2009 10:00 a.m.	Government Accountability Board Office 212 E. Washington Avenue, 3rd Floor Madison, WI 53703

This public hearing site is accessible to individuals with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact the person listed below.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutes interpreted: ss. 5.05(2m)(c)12., 11.05, 11.055, 11.06, 11.12, 11.20, 11.21, 11.26, 13.625, 13.64, 13.65, 13.66, 13.67, 13.68, and 19.43, Stats.
2. Statutory authority: ss. 5.05(1)(f) and 5.05(2m)(c) 12. and 227.11(2)(a), Stats.
3. Explanation of agency authority: Pursuant to s. 5.05(2m)(c)12., Stats., the legislature specifically authorized the Board to prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle without a formal investigation and upon payment of specified amounts by the alleged offender.
4. Related statute(s) or rule(s): ch. 11, Stats.—Campaign Financing, subch. III of ch. 13, Stats.—Regulation of Lobbying, and subch. III ch. 19, Stats.—Code of Ethics for Public Officials and Employees. Chapter GAB 1—Campaign Financing.
5. Plain language analysis: Chapter GAB 22 will establish settlement offer guidelines that the Government Accountability Board's staff may use to resolve certain violations of chapters 11, 13, and 19, Stats., in lieu of an enforcement action.

6. Summary of, and comparison with, existing or proposed federal regulations: Federal regulations will not apply to the activities covered by ch. GAB 22. The Federal Election Commission has established various formulas and charts for automatic administrative civil penalties for late filing of federal reports that are based upon the amount of activity during the reporting period. See 11 CFR 111.43.
7. Comparison with rules in adjacent states: Illinois statutes prescribe an automatic civil penalty of \$25.00 per business day for late filing or failing to file statements of organization of political committees, except that the civil penalty for committees formed to support candidates for statewide offices is \$50.00 per business day. 10 ILCS 5/9-3. Illinois has administrative rules regarding civil penalties for late campaign finance reports, categorized based upon the amount of receipts, expenditures and balance at the end of the report. See 26 Ill. Adm. Code §125.425. These civil penalties range from the lowest category of \$25.00 per business day for the first violation, \$50.00 per business day for the second violation, and \$75.00 per business day for the third and each subsequent violation, to the highest category of \$200.00 per business day for the first violation, \$400.00 per business day for the second violation, and \$600.00 per day for the third and each subsequent violation. Id.

Iowa's Ethics and Campaign Disclosure Board has the authority to administratively resolve late reports by assessment of automatic civil penalties prescribed by the Board. Ch. 351-9.4(5), Iowa Adm. Code.

Michigan has rules prescribing automatic late fees for registration, reports and statements for lobbying and campaign finance matters. Rs. 4.443, 4.452, and 169.4, Mich. Adm. Code. The automatic late fee for campaign registration statements is \$10.00 per business day. See s. 169.224, Mich. Stats. The automatic late fees for campaign finance reports are \$25.00 for each business day it remains unfiled, an additional \$25.00 for each business day after the first three that the report remains unfiled, and an additional \$50.00 for each business day after the first ten that the report remains unfiled. s. 169.233, Mich. Stats.

In Minnesota, the Office of Administrative Hearings has used a "penalty matrix" designed by the Secretary of State's Office to provide guidance for most campaign finance violations.

8. Summary of factual data and analytical methodologies: Adoption of these rules was primarily predicated upon the legislature's specific authorization to have the Government Accountability Board prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle without a formal investigation and upon payment of specified amounts by the alleged offender.

9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.
11. Agency contact person: Michael R. Haas, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984; Phone 608-266-0136; Michael.Haas@wi.gov
12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 East Washington Ave., P.O. Box 7984, Madison, Wisconsin 53707-7984; (elections.state.wi.us). Comments should be submitted by July 28, 2009.

FISCAL ESTIMATE: The creation of this rule has no new fiscal effect.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. Chapter GAB 22 is created to read:

CHAPTER GAB 22 SETTLEMENT OFFER SCHEDULE

22.01 Definitions. In this chapter:

- (1) "Board" means the Wisconsin government accountability board.
- (2) "Campaign finance registration statement" means the statement required to be filed by individuals, committees and groups under s. 11.05, Stats.
- (3) "Continuing campaign finance report" means the semi-annual campaign finance report required under s. 11.20(4), Stats.
- (4) "Contribution" has the meaning given in s. 11.01(6), Stats.
- (5) "Contributor" means an individual or committee who makes a contribution under s. 11.01(6), Stats.
- (6) "Contributor information" means the information required by s. 11.06(1), Stats., regarding contributions greater than \$20 or greater than \$100.
- (7) "Disbursement" has the meaning given in s. 11.01(7), Stats.

- (8) "Disbursement information" means the information required by s. 11.06(1), Stats., regarding disbursements greater than \$20.
- (9) "Excess contribution" means a contribution that exceeds any of the limits set in s. 11.26, Stats.
- (10) "File electronically" means the requirement in s. 11.21(16), Stats., that registrants subject to that subsection file a copy of their campaign finance reports in electronic format.
- (11) "Filing fee" means the fee required by s. 11.055, Stats.
- (12) "Last-minute contribution" means the contribution or contributions described in s. 11.12(5), Stats., that are made later than 15 days prior to a primary or an election.
- (13) "Lobbyist" has the meaning given in s. 13.62(11), Stats.
- (14) "Pre-primary report or pre-election campaign finance report" means the campaign finance reports referred to in s. 11.20(2), Stats., that are due no earlier than 14 days before a primary or election and no later than 8 days before a primary or election.
- (15) "Principal" has the meaning given in s. 13.62(12), Stats.
- (16) "Registrant" has the meaning given in s. 11.01 (18m) Stats.
- (17) "Statement of economic interests" has the meaning given in s. 19.43, Stats.

22.02 Settlement of campaign finance violations.

- (1) VIOLATIONS OF S. 11.05, STATS., FAILURE TO TIMELY FILE A CAMPAIGN FINANCE REGISTRATION STATEMENT.
 - (a) If a campaign finance registration statement is received within 5 days after the due date for that registration, no penalty may be imposed on the registrant.
 - (b) If a campaign finance registration statement is received within 6 to 10 days after the due date for that registration, a settlement offer of \$100 may be extended to the registrant.
 - (c) If a campaign finance registration statement is received within 11 to 15 days after the due date for that registration, a settlement offer of \$250 may be extended to the registrant.

- (d) If a campaign finance registration is received more than 15 days after the due date for that registration, a settlement offer of \$500 may be extended to the registrant.
 - (e) Notwithstanding the settlement terms provided in pars. (a) to (d), the board may consider mitigating circumstances, including the registrant's low level of activity, in determining the amount of the settlement offer that may be extended to the registrant.
- (2) VIOLATIONS OF S. 11.20(4), STATS., FAILURE TO TIMELY FILE THE CONTINUING CAMPAIGN FINANCE REPORT.
- (a) If a continuing campaign finance report is received within 5 days after the due date for that report, no penalty may be imposed on the registrant.
 - (b) If a continuing campaign finance report is received within 6 to 10 days after the due date for that report, a settlement offer of \$200 may be extended to the registrant.
 - (c) If a continuing campaign finance report is received within 11 to 15 days after the due date for that report, a settlement offer of \$500 may be extended to the registrant.
 - (d) If a continuing campaign finance report is received within 16 to 30 days after the due date for that report, a settlement offer of \$500, plus \$25 per day or, for a candidate committee, .1 % of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.
 - (e) If a continuing campaign finance report is received more than 30 days after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, .5% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.
 - (f) Notwithstanding the settlement terms provided pars. (a) to (e), the board may consider mitigating circumstances, including the registrant's level of activity under \$1,000 in receipts, in determining the amount of the settlement offer that may be extended to the registrant.
- (3) VIOLATIONS OF S. 11.20(2), STATS., FAILURE TO TIMELY FILE THE PRE-PRIMARY OR PRE-ELECTION CAMPAIGN FINANCE REPORTS.
- (a) If a pre-primary or pre-election campaign finance report is received within 1 day after the due date for that report, no penalty may be imposed on the registrant.

- (b) If a pre-primary or pre-election campaign finance report is received within 2 days after the due date for that report, a settlement offer of \$250 may be extended to the registrant.
 - (c) If a pre-primary or pre-election campaign finance report is received within 3 days after the due date for that report, a settlement offer of \$500 may be extended to the registrant.
 - (d) If a pre-primary or pre-election campaign finance report is received more than 3 days after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.
 - (e) Notwithstanding the settlement terms provided in pars. (a) to (d), the board may consider mitigating circumstances, including the registrant's failure to win the primary election, in determining the amount of the settlement offer that may be extended to the registrant.
- (4) VIOLATIONS OF S. 11.12(5), STATS., FAILURE TO TIMELY FILE THE 24-HOUR REPORT OF LAST MINUTE CONTRIBUTIONS.
- (a) If a 24-hour report of last-minute contributions is received within 1 day after the due date for that report, a settlement offer of \$500 may be extended to the registrant.
 - (b) If a 24-hour report of last-minute contributions is received more than 1 day after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.
- (5) VIOLATIONS OF S. 11.21(16), STATS., FAILURE TO TIMELY FILE ANY CAMPAIGN FINANCE REPORT ELECTRONICALLY WHEN REQUIRED TO DO SO. The board will extend a settlement offer based on treating the failure to timely file electronically the same as the failure to file a campaign finance report in any other format.
- (6) VIOLATIONS OF S. 11.055, STATS., FAILURE TO TIMELY PAY THE FILING FEE.
- (a) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., but does pay the fee within 10 days after notice of nonpayment from the board, a settlement offer of \$300 may be extended to the registrant.
 - (b) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., but does pay the fee within 11 to 18 days after notice of nonpayment from the board, a settlement offer of \$500 may be extended to the registrant.

- (c) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., and does not pay the fee within 18 days after notice of nonpayment from the board, a settlement offer of \$500 plus three times the payable fee may be extended to the registrant.
- (7) VIOLATIONS OF S. 11.06, STATS., FAILURE TO REPORT ALL REQUIRED CONTRIBUTOR INFORMATION ON A CAMPAIGN FINANCE REPORT.
- (a) If the contributor information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 10 days after the board's notice of failure to comply, the registrant shall be extended a settlement offer consisting of the registrant's donation of the contribution to charity.
- (b) If a report of the donation to charity of the prohibited contribution is not provided within 20 days of notice of the board's settlement offer, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant, and the prohibited contribution must be paid to charity.
- (c) Notwithstanding the settlement terms provided in pars. (a) and (b), the board may consider mitigating circumstances, including the registrant's inability to obtain the required information from the contributor, in determining the amount of the settlement offer that may be extended to the registrant.
- (8) VIOLATIONS OF S. 11.06, STATS., FAILURE TO REPORT ALL REQUIRED DISBURSEMENT INFORMATION ON A CAMPAIGN FINANCE REPORT.
- (a) If the disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 10 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of \$100 plus 10% of the disbursement amount up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.
- (b) If disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 20 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of \$100 plus 25% of the disbursement amount up to a maximum settlement offer of \$500, plus \$50 per day or, in the case of a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(c) If the disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 30 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(9) VIOLATIONS OF S. 11.06(5), STATS., FAILURE TO TIMELY REPORT THE RECEIPT OF A CONTRIBUTION.

(a) If a contribution has not been included on a campaign finance report and the late report of the contribution is filed within 10 days after the due date for reporting the contribution, a settlement offer of 10% of the contribution may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(b) If the late report of the contribution is filed within 11 to 20 days after the due date for reporting the contribution, a settlement offer of 25% of the contribution may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(c) If the late report of the contribution is filed more than 20 days after the due date for reporting the contribution, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(d) Notwithstanding the settlement terms provided in pars. (a) to (c), the board may consider mitigating or aggravating circumstances, including the board's discovery of the receipt of the contribution without disclosure by the registrant, in determining the amount of the settlement offer that may be extended to the registrant.

(10) VIOLATIONS OF S. 11.06(5), STATS., FAILURE TO TIMELY REPORT THE RECEIPT OF A DISBURSEMENT.

(a) If a disbursement has not been included on a campaign finance report and the late report of the disbursement is filed within 10 days after the due date for reporting the disbursement, a settlement offer of 10% of the disbursement may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(b) If the late report of the disbursement is filed within 11 to 20 days after the due date for reporting the disbursement, a settlement offer of 25% of the disbursement may be extended to the registrant, up to a maximum settlement

offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

- (c) If the late report of the disbursement is filed more than 20 days after the due date for reporting the disbursement, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, or 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.
 - (d) Notwithstanding the settlement terms provided in pars. (a) to (c), the board may consider mitigating or aggravating circumstances, including the board's discovery of the making of the disbursement without disclosure by the registrant, in determining the amount of the settlement offer that may be extended to the registrant.
- (11) VIOLATIONS OF S. 11.26, STATS., FOR RECEIVING OR MAKING CONTRIBUTIONS IN EXCESS OF STATUTORY LIMITS. Any committee that receives a contribution in excess of the limits set by s. 11.26, Stats., may be required to pay the excess portion of the contribution to a charitable organization and may also be extended a settlement offer for a forfeiture of 50% of the excess contribution up to a maximum of \$500. Any individual or committee who makes a contribution in excess of the limits set by s. 11.26, Stats., may be extended a settlement offer for a forfeiture of one and one-half times the excess portion of the contribution.
- (12) OTHER VIOLATIONS OF CH. 11, STATS. Settlement offers to resolve all other violations of ch. 11, Stats., will be determined on a case-by-case basis.

22.03 Violations of subch. III of ch. 19, Stats., the Code of Ethics for Public Officials and Employees, the failure to timely file the statement of economic interests as required by s. 19.43, Stats.

- (1) If a statement of economic interests is received within 5 days after the due date for that statement, no penalty may be imposed on the official.
- (2) If a statement of economic interests is received within 6 to 10 days after the due date for that statement, a settlement offer of \$10 may be extended to the official.
- (3) If a statement of economic interests is received within 11 to 25 days after the due date for that statement, a settlement offer of \$50 may be extended to the official.
- (4) If a statement of economic interests is received within 26 to 30 days after the due date for that statement, a settlement offer of \$100 may be extended to the official.

- (5) If a statement of economic interests is received more than 30 days after the due date for that statement, a settlement offer of \$250 may be extended to the official.
- (6) Notwithstanding the settlement terms provided in subs. (1) to (5), the board may consider mitigating circumstances, including the fact that the board's staff failed to notify the person filing the statement of the requirement to file the statement of economic interests, in determining the amount of the settlement offer.

22.04 Violations of subch. III of ch. 13, Stats., the Regulation of Lobbying in Wisconsin.

- (1) VIOLATIONS OF S. 13.64, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE A REGISTRATION STATEMENT.
 - (a) If the registration statement of a principal, as required by s. 13.64, Stats., is received within 7 days after the due date for that registration, no penalty may be imposed on the principal, but a warning that any future failure to timely file could lead to a forfeiture will be issued.
 - (b) If the registration statement of a principal is received within 8 to 14 days after the due date for that registration, a settlement offer of \$250 may be extended to the principal.
 - (c) If the lobbying registration statement of a principal is received within 15 to 21 days after the due date for that registration, a settlement offer of \$500 may be extended to the principal.
 - (d) If the lobbying registration statement of a principal is received within 22 to 28 days after the due date for that registration, a settlement offer of \$750 may be extended to the principal.
 - (e) If the lobbying registration statement of a principal is received more than 28 days after the due date for that registration, a settlement offer of \$1,000 may be extended to the principal.
- (2) VIOLATIONS OF S. 13.66, STATS., FAILURE OF A LOBBYIST TO TIMELY OBTAIN A LICENSE TO ACT AS A LOBBYIST.
 - (a) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 7 days after the due date for obtaining that license, no penalty may be imposed on the lobbyist, but a warning that any future failure to timely file could lead to a forfeiture will be issued.

- (b) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 8 to 14 days after the due date for obtaining that license, a settlement offer of \$75 may be extended to the lobbyist.
 - (c) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 15 to 21 days after the due date for obtaining that license, a settlement offer of \$125 may be extended to the lobbyist.
 - (d) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 22 to 28 days after the due date for obtaining that license, a settlement offer of \$250 may be extended to the lobbyist.
 - (e) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., and does not obtain that license until more than 28 days after the due date for obtaining that license, a settlement offer of \$500 may be extended to the lobbyist.
- (3) VIOLATIONS OF S. 13.65, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE A WRITTEN AUTHORIZATION FOR A LOBBYIST TO REPRESENT THE PRINCIPAL.
- (a) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 7 days after the due date for filing that authorization, no penalty may be imposed on the principal, but a warning that any future failure to timely file could lead to a forfeiture will be issued.
 - (b) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 8 to 14 days after the due date for filing that authorization, a settlement offer of \$125 may be extended to the principal.
 - (c) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 15 to 21 days after the due date for filing that authorization, a settlement offer of \$250 may be extended to the principal.
 - (d) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 22 to 28 days after the due date for filing that authorization, a settlement offer of \$375 may be extended to the principal.
 - (e) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., and does not file that authorization

until more than 28 days after the due date for filing that authorization, a settlement offer of \$500 may be extended to the principal.

- (4) VIOLATIONS OF S. 13.68, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE THE SEMIANNUAL REPORT OF LOBBYING EXPENSES AND INCURRED OBLIGATIONS.
 - (a) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 2 days after the due date for filing that report, no penalty may be imposed on the principal.
 - (b) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 3 to 6 days after the due date for filing that report, a settlement offer of \$50 may be extended to the principal.
 - (c) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 7 to 14 days after the due date for filing that report, a settlement offer of \$200 may be extended to the principal.
 - (d) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 14 to 21 days after the due date for filing that report, a settlement offer of \$500 may be extended to the principal.
- (5) VIOLATIONS OF S. 13.67, STATS., FAILURE OF A PRINCIPAL TO TIMELY REPORT THE SUBJECT MATTER OF LOBBYING. If a principal has failed to timely report the subject matter of lobbying, as required by s. 13.67, Stats., the board's staff will determine a settlement offer on a case-by-case basis, taking into consideration whether the principal's violation is a first, second, or third offense and taking into consideration the number of late-reported interests and the time period in which the violation or violations occurred.
- (6) VIOLATIONS OF S. 13.625, STATS., PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS. If a lobbyist makes a campaign contribution prohibited by s. 13.625, Stats., the recipient will be required to donate that contribution to charity and a settlement offer of \$500 may be extended to the lobbyist.
- (7) EFFECT OF MITIGATING OR AGGRAVATING CIRCUMSTANCES. The board's staff shall have the authority to increase or decrease any settlement offer extended for violations of subch. III of ch. 13, Stats., based on mitigating or aggravating circumstances surrounding the violation.

SECTION 2. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

Falk, Shane - GAB

From: Mike McCabe [mccabe@wisdc.org]
Sent: Tuesday, July 28, 2009 11:57 AM
To: Falk, Shane - GAB
Subject: testimony to board I said I'd send you

Hello Shane - The comments I mentioned to you were made at the board's January 28, 2008 meeting. They are posted on our website at <http://www.wisdc.org/wdcmemo012808.php>.

Some general comments that pertain to CR 09-035 are found in the section under the heading "Enforcement of campaign contribution limits." Other pertinent comments are under "Organizational culture, past practices and operating procedures," especially in the last paragraph.

Best,
Mike

7/28/2009

Memo to Government Accountability Board

Invited remarks regarding expectations of GAB

TO: Government Accountability Board

FROM: Mike McCabe, Executive Director, Wisconsin Democracy Campaign

SUBJECT: Invited remarks for January 28, 2008 meeting regarding expectations of GAB

Thank you for giving us this opportunity to present you with our hopes and expectations with respect to the Government Accountability Board's role in the areas of campaign finance and lobbying regulation, election administration and ethics enforcement. We commend you on the work you've already done to get the new agency up and running, and we wish you well as you embark on the daunting task of reviewing all of the existing internal operating procedures, guidelines, rules, orders and formal opinions of the Elections Board and Ethics Board, as you are required by law to do within the first year of the GAB's existence.

Issues that we believe deserve special attention from the Board include:

Enforcement of law requiring disclosure of donors' employer information

The state law requiring disclosure of the occupation and employer of any donor who gives more than \$100 to a candidate for state office is the heart and soul of our campaign finance disclosure system. Without this information, the public is denied valuable insight into the economic interests of campaign contributors and citizens have no way of evaluating a donor's possible motivation for financially supporting a candidate.

A donation of over \$100 that is not accompanied by the legally required employer information is an illegal donation, and should be treated as such. We believe campaigns should be required to return such donations after they have been given some reasonable period of time to obtain the required information.

However, recent **efforts by the Elections Board to promulgate a rule requiring the return of donations under certain circumstances should be reviewed and redirected by the GAB.** The Elections Board's rule established \$250 as the contribution threshold triggering enforcement of compliance with this law. **This approach effectively relaxes state law.** The GAB's enforcement policy should be consistent with state law, requiring disclosure of the occupation and employer of any donor who gives more than \$100.

We have observed over the years the reporting of many large donations for which there is no employer information furnished for the contributor. We also have observed many \$100-plus donations for which information is provided that clearly does not comply with either the spirit or letter of the law. For example, we commonly see large donations on campaign finance reports accompanied with no employer listed for the contributor and only a vague title such as "consultant" or "self-employed" or "business owner." Other common occupations we've encountered include "president" or "vice president" or "CEO" or "investor." Without knowing the nature of the business or what kind of consulting is being done or what is being invested in, the public has nothing to go on to evaluate these donations. We urge the GAB and its staff to be on the lookout for this kind of shoddy disclosure.

Enforcement of campaign contribution limits

The Democracy Campaign annually brought to the attention of the Elections Board a list of individuals who, according to the campaign finance reports filed with the Board, had violated state law by making more than \$10,000 in donations to state candidates in a calendar year. The Board's response over the years was marked with inconsistency. Sometimes nothing was done. Other times the Board would suggest ways the donor could be made to appear in compliance with the law – such as offering to assign excess donations to a spouse. To the extent enforcement action was ever taken, it was sporadic and excessively lenient. Consequently, an unmistakable message was sent to big donors: Feel free to ignore these laws, because nothing much will happen to you if you do. The result was more donors breaking the law, more flagrantly.

For years, we were told by leaders of both the Elections Board and Ethics Board that they did not want to rely on punishment of violators to promote compliance of campaign finance and ethics rules, but rather preferred to “educate” the individuals and organizations they regulated about their responsibilities under the law. The Elections Board's approach to enforcement of the \$10,000 annual limit on donations is illustrative of the failure of this practice.

In retrospect, this “education” really amounted to accommodation and appeasement, which led to more and more brazen behavior, which was further accommodated and appeased, which bred even more disrespect for the law. This created a downward spiral into a political cesspool that necessitated criminal probes which culminated in a parade of top political leaders into courtrooms and, in some cases, into jail cells – no thanks, by the way, to either the Elections Board or Ethics Board, neither of which conducted investigations when alerted to apparent wrongdoing.

If you wish to educate those you are responsible for regulating, the best educational tool is swift and sure enforcement . . . and swift and certain and substantial penalties for violations. An unmistakable message needs to be sent to all participants in the political process – that our laws need to be obeyed and there will be serious consequences for failure to do so.

Organizational culture, past practices and operating procedures

Both the Elections Board and Ethics Board were established during a more innocent period in Wisconsin's political history, and the organizational culture and mode of operation of both agencies were reflective of that bygone era. Wisconsin's political culture has changed dramatically in recent years, and the Government Accountability Board's creation was a reaction to the culture shock that Wisconsinites experienced. The way the Government Accountability Board and its staff function needs to be in keeping with the new political realities in our state.

In dealing with all elements of the regulated community, both the Elections Board and Ethics Board were very accommodating. As its name implies, the new agency needs to replace this accommodation with stricter accountability. The old agencies reacted to events, and usually not very forcefully or effectively. That left emerging problems unaddressed and allowed them to fester. We all know where this eventually led. The GAB needs to be proactive. Trouble needs to be headed off at the pass.

Up to now, trouble has not been averted. A case in point is illustrated in the [article](#) that appeared last August in the Milwaukee Journal Sentinel quoting then-Elections Board director and now-GAB legal counsel Kevin Kennedy saying he believed campaign finance laws may have been violated in a case involving the financing of a public opinion poll. But near the end of the story is this: *“The Elections Board is not looking into the matter because it typically acts only if it receives a complaint .”*

The Elections Board had all the authority it needed to investigate and take enforcement action on its own initiative but in this case, as in so many other instances, did not lift a finger because no citizen gathered all the evidence and filed a formal complaint. This practice is like

a police officer witnessing a crime but refusing to do anything unless a bystander investigates the crime scene and swears out an arrest warrant. **This is one internal operating procedure the Government Accountability Board simply must change. If you have reason to believe laws may have been broken, gather the facts and take appropriate enforcement action if there's fire where you saw smoke.**

As for the particular case involving the financing of public opinion polling, we are unfamiliar with another case quite like this one. Because it was not done during an election season and the polling was done on a legislative issue rather than for campaign purposes, it is not clear to us that campaign finance laws were violated. However, despite Kevin Kennedy's expressions of concern that such an arrangement may have been illegal, the Elections Board by its inaction signaled the regulated community that there is no problem with financing a poll with commingled funds from one or more interest groups and one or more registered candidate campaign committees. If a similar situation arises and someone does file a formal complaint, the respondent to that complaint surely will cite the old board's inaction in arguing that such conduct was presumed to be permissible. That is why it behooves the GAB to review this and other such issues, determine whether any laws have been violated, and clarify rules if necessary so that all participants in the political process in Wisconsin know what is permitted and what is not.

One final thought: To the greatest extent possible, the GAB should set policies establishing standard penalties for violations of campaign finance, ethics and lobbying laws. The penalties established by the Board should take into account the severity of the violation and should grow more severe for repeat offenses. Most law violations can and should be handled routinely, with the Board empowering and directing its staff to impose penalties administratively. This would not only enhance consistency of enforcement action, but also would free the GAB to remain focused on the most significant matters to which it must attend.

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Kyle Brown, Law Clerk

SUBJECT: Promulgation of Permanent Rule Creating Chapter GAB 13

At its meeting on January 28, 2008, the Board authorized staff to proceed with promulgating ch. GAB 13. Board staff recommends proceeding under the 30-day rule process rather than by initiating a public hearing. If the Board approves the attached Notice of Proposed Rule, the analysis and rule will be submitted to Legislative Council for review and the Legislative Reference Bureau for publication in the Administrative Register. If approved by the Board, the proposed rule will be adopted 30 days following the publication of the notice in the Administrative Register unless 25 people, a municipality, or an association affected by the rule petition for a public hearing, which would then be scheduled prior to approval of the rule.

The proposed rule specifies the training requirements for election inspectors and special voting deputies. The rule requires election inspectors and special voting deputies to attend at least one training session every election cycle and to receive at least two hours of training during every election cycle. The rule also enumerates the material that must be covered during the trainings.

Recommendation and Proposed Motion:

Staff recommends adoption of the following motion:

Pursuant to §§5.05(1)(f) and 227.11(2)(a), Wis. Stats., the Board formally approves the attached Notice of Proposed Rule, and directs staff to proceed with promulgation of ch. GAB 13.

NOTICE OF PROPOSED RULE: CH. GAB13

GOVERNMENT ACCOUNTABILITY BOARD

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05(1)(f) and 227.11(2)(a), Stats., and interpreting s. 7.315, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the State of Wisconsin Government Accountability Board will adopt the following rule as proposed in this notice without public hearing unless, within 30 days after publication of this notice, the Board is petitioned for a public hearing by 25 persons who will be affected by the rule; by a municipality which will be affected by the rule; or by an association which is representative of a farm, labor, business, or professional group which will be affected by the rule.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutory authority: ss. 5.05(1)(f) and 227.11(2)(a), Stats.
2. Statutes interpreted: ss. 7.15, 7.31, and 7.315, Stats.
3. Explanation of agency authority: Under s. 7.315, Stats., “The board shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, to special voting deputies appointed under s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).” And “Each inspector other than a chief inspector and each special voting deputy appointed under s. 6.875 and special registration deputy appointed under s. 6.26 or 6.55 (6) shall view or attend at least one training program every 2 years. Except as provided in subd. 2., no individual may serve as an inspector, other than a chief inspector, as a special voting deputy under s. 6.875, or as a special registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has completed training for that election provided by the municipal clerk pursuant to rules promulgated under par. (a) within 2 years of the date of the election.” This rule implements that statute.
4. Related statutes and rules: ss. 7.15, 7.31, and 7.315, Stats., and chapters GAB 11 and 12, and s. GAB 3.12.
5. Plain language analysis: The proposed rule provides for the elections training and certification of local election officials, including election inspectors and special voting deputies.
6. Summary of, and comparison with, existing or proposed federal regulations: The federal government does not regulate local election officials and does not have federal regulations that apply to the election training of local election officials. Although federal law does not have a comparable provision for the training of local election officials, under the Help America Vote Act of

2002 or "HAVA," 42 USC § 15301 et seq., each state receiving federal funds to improve the administration of elections in the state has to develop a plan that includes "programs for election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III [of HAVA]." 42 USC § 15404(a)(3) The State of Wisconsin has developed and is implementing such a plan for chief election inspectors, municipal clerks, and special registration deputies. This rule provides training requirements for election inspectors and special voting deputies.

7. Comparison with rules in adjacent states: Illinois, Iowa, Michigan and Minnesota all statutorily require that persons who conduct elections shall receive election training.

Minnesota requires that all election judges who register voters on election day receive training on same day registration procedures. Part 8200.5600, Minn. Admin. Code. Other election officials including election judges, municipal clerks, school district clerks, and county auditors are required to complete training meeting the requirements for that position specified in ch. 8240, Minn. Admin. Code. Officials must also demonstrate their proficiency in the course material through either worksheets or hands-on demonstrations. Part 8240.0300, Minn. Admin. Code. The training requirements are specified for each position in parts 8240.1600-2800, Minn. Admin. Code. The length of the training for election judges and health care facility absentee voting officials, the equivalent of Wisconsin's election inspectors and special voting deputies respectively, is one hour. The training topics include election day registration, the process for challenging electors, and who is allowed in the polling place.

Illinois statutes require election judges to undergo training, but the training is written and administered by the county clerk. 10 ILCS 5/13-2.1. The training "shall consist of at least 4 hours of instruction and an examination which tests reading skills, ability to work with poll lists, ability to add and knowledge of election laws governing the operation of polling places." 10 ILCS 5/13-2.2.

Michigan statutes require that the secretary of state "establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school elections officials." s. 168.31(1)(j), Mich. Stats. All new election officials are required to take the training "within 6 months before the date of the election." s. 168.31(1)(k), Mich. Stats. The training focuses on "the conducting of elections in accordance with the election laws." s. 168.33(1), Mich. Stats.

Iowa's Administrative Code provides that voting centers, locations where all voters in a city can vote, must be staffed by officials who are "trained before each election and shall have specific instructions regarding the differences between voting centers and polling places." 721-21.75(6)(d), Iowa Admin. Code. Additionally, the Iowa statutes provide that the election commissioner must offer "not later than the day before each primary and general election, a training course

for all election personnel." The course is mandatory for "[a]t least two precinct election officials who will serve on each precinct election board at the forthcoming election." s. 49.124, Iowa Stats.

8. Summary of factual data and analytical methodologies: Adoption of the rule was predicated on state mandate rather than on any factual data or analytical methodology.
9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.
11. Agency contact person (including e-mail and telephone): Michael Haas, Staff Counsel, Government Accountability Board, 212 East Washington Avenue, P.O. Box 7984, Madison, Wisconsin 53707-7984; Michael.Haas@wisconsin.gov; Phone (608) 266-0136.
12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 East Washington Avenue, P.O. Box 7984, Madison, WI 53707-7984; (elections.state.wi.us). [Staff will insert the deadline for comment submission prior to publication.]

Pursuant to the authority vested in the State of Wisconsin Government Accountability Board by ss. 5.05(1)(f) and 227.11(2)(a), Stats., the Government Accountability Board proposes an order to create chapter GAB 13 interpreting ss. 7.15, 7.31, and 7.315, Stats., as follows:

SECTION 1. Chapter GAB 13 is created to read:

GAB Chapter 13. Training of Election Officials

GAB 13.01 Election Official Training. (1) Definitions. In this chapter:

- (a) "Board" means the government accountability board.
- (b) "Election cycle" means the period beginning on January 1 of an odd-numbered year and continuing through December 31 of the following even-numbered year.
- (c) "Election" has the meaning given in s. 5.02(4), Stats.
- (d) "Municipal clerk" has the meaning given in s. 5.02(10), Stats.
- (e) "Election official" has the meaning given in s. 5.02(4e), Stats.

GAB 13.02 Municipal clerk training responsibilities

- (1) The municipal clerk is responsible for providing training opportunities for chief inspectors under ch. GAB 11, special registration deputies under s. GAB 3.12, and election inspectors and special voting deputies under this chapter.
- (2) The municipal clerk may utilize the board or another election official to provide training.
- (3) The municipal clerk shall maintain records that document the attendance at training sessions by chief inspectors, election inspectors, special registration deputies and special voting deputies. The training records, which are open to public inspection, shall include the date, location and duration of the training event.

GAB 13.05 Election inspector training.

- (1) The content and curriculum of the training required of election inspectors shall be prescribed by the board.
- (2) The training shall include the following elements:
 - (a) Instruction on polling place preparation, including detailed instruction on the set up, operation, and use of voting equipment.
 - (b) Information on determining elector residence and qualifications to vote.
 - (c) Instruction on registering electors at the polling place, including directions on the proper completion of the voter registration application form.
 - (d) Direction on recording elector information on the poll list, including special notations for absentee, challenged, and provisional voters and voters who have been convicted of a felony.
 - (e) Direction on maintaining ballot security and issuing ballots to voters.
 - (f) Instruction on provisional voting procedures.
 - (g) Instruction on assisting electors.
 - (h) Instruction on processing absentee ballots.
 - (i) Instruction on procedures for challenging electors.

- (j) Instruction on maintaining order at the polling place, including instruction on dispute resolution.
- (k) Information on the rights and responsibilities of election observers.
- (L) Instruction on the procedures for closing the polling place, including instruction on disaster preparedness.
- (m) Instruction on the procedures for reconciling voter lists.
- (n) Instruction on the procedures for counting ballots.
- (o) Instruction on determining voter intent.
- (p) Instruction on the proper use and completion of the inspectors' statement.
- (q) Instruction on the proper completion of forms used at the polling place, including direction on the requirement that the information on forms be legible.
- (r) Instruction on the procedures for securing and delivering completed election materials.
- (s) Instruction on the consequences of failing to follow prescribed procedures.
- (t) Any other information prescribed by the board.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/>.

GAB 13.10 Special voting deputy training.

- (1) The content and curriculum of the training required of special voting deputies shall be prescribed by the board.
- (2) The training shall include the following elements:
 - (a) Information on the absentee voting process for residents of nursing homes, retirement homes, and community-based residential facilities.
 - (b) Information on determining elector residence and qualifications to vote.
 - (c) Instruction on registering electors, including directions on the proper completion of the voter registration application form.
 - (d) Direction on completing the absentee ballot certificate envelope.

- (e) Direction on maintaining ballot security and issuing ballots to voters.
- (f) Instruction on assisting electors to vote.
- (g) Instruction on the procedures for challenging electors.
- (h) Instruction on maintaining order at the voting location, including instruction on dispute resolution.
- (i) Information on the rights and responsibilities of election observers.
- (j) Instruction on the procedures for securing and delivering completed election materials.
- (k) Instruction on the consequences for failing to follow prescribed procedures.
- (L) Any other information prescribed by the board.

GAB 13.15 Election official training requirements

- (1) Election inspectors and special voting deputies shall attend at least one training session every election cycle.
- (2) Municipal clerks shall arrange for election inspectors and special voting deputies to receive at least one hour of training before each election or at least two hours of training in an election cycle.
- (3) Election inspectors and special voting deputies may not serve as an election official until completing the training required by this chapter.

SECTION 2. EFFECTIVE DATE. The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s. 227.22(2), Stats.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

Michael Haas, Michael.Haas@wisconsin.gov
Staff Counsel, Government Accountability Board

212 East Washington Avenue, P.O. Box 7984
Madison, Wisconsin 53707-7984; Phone 608-266-0136

Dated _____, 2009

KEVIN J. KENNEDY
Director and General Counsel
Government Accountability Board

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Shane W. Falk, Staff Counsel

SUBJECT: Status Report on Pending Administrative Rule-Making

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

STATUS REPORT ON PENDING ADMINISTRATIVE RULE-MAKING

Revise 1.10

Relating to: Registration by Nonresident Committees and Groups

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

Revise 1.15

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

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

Revise 1.20

Relating to: Treatment and Reporting of In-Kind Contributions

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

Create 1.21

Relating to: Treatment of Joint Account Contributions

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

Revise 1.26

Relating to: Return of Contribution

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

Revise 1.28

Relating to: Scope of Regulated Activity; Election of Candidates

Status: Board original action January 15, 2009. Legislative Council review complete. Public hearing held on March 30, 2009. Legislative Report complete and filed with legislature.

Senate review due by July 3, 2009 and Assembly review due by July 6, 2009. The Senate and Assembly have requested that the Board recall the rule pending a U.S. Supreme Court decision. The Board directed staff to recall the rule, which was complete with the legislature's return delivery of the recalled rule on July 1, 2009. This matter will be reviewed at the August 10, 2009 meeting.

Revise 1.43

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

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

Revise 1.85 and 1.855

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

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

Create 1.90

Relating to: MCFL Organization Registration and Reporting Requirements

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

Revise Chapter 3

Relating to: Voter Registration, HAVA Checks

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

Repeal and Recreate Chapter 4

Relating to: Election Observers

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

Repeal and Recreation of Chapter 5

Relating to: Security of Ballots and Electronic Voting Systems

Status: Board original action on May 5, 2008. Legislative Council review complete. Public Hearing held November 11, 2008. Chapter 5 is ready for completion of legislative report and submittal to legislature. Thereafter, publication.

Revise 6.02

Relating to: Registration Statement Sufficiency.

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

Revise 6.03

Relating to: Assistance by Government Accountability Board Staff

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

Revise 6.04

Relating to: Filing Documents by FAX or Electronic Means

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

Revise 6.05

Relating to: Filing Campaign Finance Reports in Electronic Format

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

Revise Chapter 7

Relating to: Approval of Electronic Voting Equipment

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

Revise 9.03

Relating to: Voting Procedures for Challenged Electors

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

Creation of Chapter 13

Relating to: Training Election Officials

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

Repeal 21.01, 21.04 and Revise 20.01

Relating to: 21.01—filing of all written communications and documents intended for former Ethics Board
21.04—transcripts of proceedings before former Ethics Board
20.01—procedures for complaints before former Elections Board

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

Creation of Chapter 22

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

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

ITEM I

Report on July Continuing Report Campaign Finance Filings

State of Wisconsin \ Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the August 10, 2009 Board meeting
TO: Government Accountability Board
FROM: Jonathan Becker
SUBJECT: July Continuing 2009 Campaign Finance Report Period Analysis

Filings:

As of July 31, we have received 1,104 campaign finance reports. Of those reports received, 849 reports were filed electronically and 255 reports were received from paper filers.

There are 193 committees that have not filed campaign finance reports yet for the July Continuing 2009 report period. The non-filers include 64 candidates, 28 political parties, 36 PACs, 47 corporations, and 18 conduits. We have sent postcard reminders to every committee that did not timely file.

During the two-week filing period, staff answered 681 phone calls and 898 emails. The phone call total does not include the number of phone calls fielded by the GAB Help Desk.

System Performance:

Before the filing period began, at our request the Division of Enterprise Technology in the Department of Administration moved the Campaign Finance Information System application to a dedicated server. The associated database remained on a shared server.

During the peak of filing, there were 2 reported issues of system slowness. On July 20, 2009 the system was re-booted twice to address slowness problems. This required two shutdowns -- from 2:45 pm to 3:00 pm and from 8:00 pm to 8:30 pm. On July 29, 2009 system slowness was reported for specific public search functions; View Receipts, View Conduit Contributions, and View Registrants. No issues were reported with trying to view filed reports. The slowness issues have been corrected.

From July 14, 2009 to July 20, 2009 fourteen committees notified us that they experienced an error message, "File Not Found," that prevented them from filing their reports. This error was resolved by reformatting the excel templates that the committees were trying to use to upload their transactions into the system. Please see Attachment A for the committees affected.

On July 20, 2009, thirteen committees notified us that they experienced an error message ".xml File Error". This error was corrected with the system re-boots on July 20, 2009. Please see Attachment B for the committees affected.

Three committees experienced other problems while trying to use the Upload Transactions function within CFIS:

Friends of Mike Huebsch: The problems were a result of general user error, not using the correct excel version, missing Conduit numbers from the upload spreadsheet, and dates entered in the upload that were outside the filing period.

MTEA – Milwaukee Teachers Education Association PAC: The problems experienced were a result of not attending a training class and user did not receive the User Manual that was delivered to the committee.

Friends of Chuck Benedict: The problems experienced were the result of an intranet firewall and Vista security settings. An onsite meeting was arranged and staff directed the committee on how to enable cookies, allow pop-ups, and how to adjust the security settings on Windows Vista to allow CFIS to run properly.

There are seven committees who cannot file in CFIS because of their operating systems. Two committees are using dial-up internet service, four committees are using Mozilla Firefox, and one committee is using a Mac Computer.

We are continuing to work with our software vendor to try to prevent a repeat of these problems, to prevent future problems, and to increase the operating speed of the system.

Attachment A

Committees Affected by a “File Not Found” Error

7/14/2009

Citizens for Mark Gundrum
Friends of Terry Moulton

7/15/2009

GE PAC
Van Hollen for Attorney General
Justice Fund Conduit

7/16/2009

Greater Madison Chamber of Commerce (conduit)
ABC PAC
Brown County Democratic Party

7/17/2009

Colon for Milwaukee

7/19/2009

Friends of Donna Seidel
Friends of Mark Pocan

7/20/2009

Assembly Democratic Campaign Committee
Ozaukee County Republican Party

7/21/2009

Steineke for Assembly

Attachment B

Committees Affected by the “.xml File Error”

7/20/2009

Dane County Republican Party
Association of WI Bankers (conduit)
Wirch for Senate
Fair Wisconsin PAC
Kruse for Judge
Friends of Cheryl Hancock
Friends of Mason (Cory Mason)
Democratic Party of Wisconsin
Friends of Barbara Lawton
State Senate Democratic Committee
Eau Claire Democratic Party
Eli Lilly Corporation
Operating engineers 139 PAC

ITEM J

Director's Report

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009, Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Elections Division Activities

Election Administration Update

Introduction

Since the Government Accountability Board's June 22, 2009, meeting, the Elections Division has focused on the following tasks:

Election Administration Activities Pursued

1. A major portion of staff members' time has been devoted to the Wisconsin 2009-2014 Election Administration Draft Plan. A separate report is prepared that focuses on the Plan and a recommendation for Board action.
2. On June 23, 2009, staff and the Board's Director and General Counsel attended and made presentations at the Wisconsin County Clerks Association 105th Annual Training Synopsis in Prairie du Chien.
3. On July 7, 2009, staff and the Director and General Counsel met with the Legislative Technology Services Bureau staff (Jeff Ylvisaker, Tony Van Der Wielen and Doug DeMuth) to discuss opportunities for collaboration, including ways to work together on redistricting.
4. On July 31, 2009, a letter was mailed to approximately 85,000 electors whose voter registration information resulted in a non-match when paired with DOT or SSA

databases. The Governor, members of the Legislature, the DOA Secretary, 1,922 County and Municipal Clerks, and the media received a 24-to-48 hour advance notice about the mailing.

5. An agreement has been reached with the Department of Administration, Division of Enterprise Technology, for designing and engineering a web-based, online portal for switching ballot access and canvass reporting from an old, inefficient and unreliable database (SWEBIS2) to SVRS. Funding from the Data Grant will support this initiative.

This new system will have the capability to collect election night data, even though it will be unofficial. Having any election night and in-progress data available will increase transparency and public confidence.

6. Completed development of the next reiteration of the Calendar of Election Events.
7. Completed revisions of the Ballot Format for the Partisan Primary.
8. Completed revision of the EB-122 Certificate Envelope to better emphasize the "Absolutely Required to be Completed" areas to be completed.
9. Completed the update of Candidate Ballot Access Checklists and Campaign Finance Checklists for Fall 2010 (The Spring 2010 Checklists were already updated).

Status of Ongoing Activities

- A. Statewide Voter Registration System (SVRS): A Request For Information (RFI) has been drafted and is undergoing an internal review. The intent of promulgating an RFI is to solicit and determine options for improving the performance and functionality of SVRS.
- B. Communications with Clerks: Two plenary meetings of a county-municipal clerk ad-hoc advisory group have been scheduled to provide feedback on staff’s committee recommendation. Staff will solicit information on how to improve communication with clerks and how to make communications more cohesive, timely and efficient. The first plenary meeting will be held in Madison, at the Board’s office on Thursday, August 13, 2009. A date/venue for the second plenary meeting will be determined during the August 13 meeting.

In addition to the two plenary meetings scheduled with the core county-municipal clerk ad-hoc advisory group, the following eight Listening/Feedback sessions have been slated.

Date	Facility	Address	Time
August 17, 2009	Monroe Public Library	925 16 th Avenue, Monroe, 53566	1:00 p.m. – 3:00 p.m.
August 18, 2009	Courthouse Annex, Conference Room 5	1462 Strongs Avenue, Stevens Point, 54481	9:30 a.m. – 11:30 a.m.
August 18, 2009	Town of Washington Hall	5750 Old Town Hall Road, Eau Claire, 54701	4:00 p.m. – 6:00 p.m.
August 21, 2009	Wyndham Hotel, Mardi Gras Room	4747 South Howell Avenue, Milwaukee, 53207	1:00 p.m. – 3:00 p.m.
August 25, 2009	Northern Great Lakes Visitor Center	29270 City Highway G, Ashland, 54806	10:00 a.m. – 12:00 p.m.
August 25, 2009	Oneida County Courthouse Courtroom	One Courthouse Square Rhinelander, 54501	4:00 p.m. – 6:00 p.m.
August 26, 2009	Neville Public Museum	210 Museum Place, Green Bay, 54303	10:00 a.m. – 12:00 p.m.
August 27, 2009	Kenosha County Center, Room	19600 75 th Street, Bristol, 53104	10:00 a.m. – 12:00 p.m.

- C. Voting Systems Evaluations: The process of determining the charge and role of a standing voting systems technical advisory committee to review voting equipment needs continues. Membership will likely include representatives from our local election partners (clerks), DOA's Division of Enterprise Technology and the Division of Gaming, and UW-Madison's School of Engineering and Department of Computer Science, private sector representatives, etc.
- D. Online Municipal Clerk and Inspector Training: In process of determining a vendor, including the University of Wisconsin-Extension, to convert in-person, face-to-face classroom classes into an online platform for making education and training available to Municipal Clerks, Poll Workers and Chief Inspectors 24/7.
- E. Election Administration Manual: This manual and power point presentation are being updated for preparation for a new round of Municipal Clerk Training sessions that will begin this fall.

Noteworthy Special Initiatives:

- A. The Wisconsin Election Data Collection System (WEDCS)
(The \$2 million Election Data Collection Grant)

A no-cost grant extension was submitted to the Commission on June 5. Approval from the US Election Assistance Commission was received on June 23, 2009. The Wisconsin Election Data Collection is now extended until June 30, 2010.

- B. Accessibility Compliance

1,850 Municipal Clerks were asked to use the new accessibility instrument for assessing their 2,822 polling places, during the April 7, 2009, Spring Election. To date, all but 145 municipalities have submitted completed surveys. Staff continues to work with clerks to ensure the remainder of the surveys are submitted.

- C. Staff Team Studying Online Registration

A Team led by in-house staff, has been appointed to study the feasibility of online voter registration in Wisconsin. The Team has had two meetings. The Board will be regularly briefed on the Team's efforts.

- D. Staff Team Gathering Information/Proposal for Determining Cost of Conducting Elections

A staff member has been assigned to begin the process of gathering information that will become the basis for a funding proposal to develop a model matrix for determining the cost of conducting elections. Other members of this Team are in the process of being appointed. If such a proposal is funded, the intent is to collaborate with the University of Wisconsin, Department of Political Science, for implementation.

E. Early Voting Feedback Sessions

Since early July, Board staff have been conducting various listening and feedback sessions throughout the State. To date, the Team has led 11 meetings with clerks and the public. An interim report for your information is attached.

In addition to the remaining sessions noted below, in response to repeated requests, another listening/feedback session has been added to include Bayfield County, at the Bayfield County Courthouse on August 13, 2009.

- August 3: Marathon County
- August 4: Brown County
- August 11: Eau Claire
- August 12: Rice Lake

Update on Retroactive HAVA Checks

(HAVA Check of Voter Records from January 1, 2006 through August 5, 2008)

On July 31, 2009, DMV Ping Notification letters were sent to approximately 85,000 voters. These letters were sent to voters who received a Retroactive HAVA Check that resulted in a non-match. The letters instruct the voters to contact the Board's office to have their information verified. The Board's staff are preparing for an influx of calls in response to these letters. A special workflow and staffing plan have been developed to ensure that staff are planned and prepared to efficiently handle these calls.

The Board has issued several communications related to these letters going out, to ensure that interested parties are informed of this process. A Press Release was issued on July 30, 2009, letting voters know that these letters are legitimate and not a scam, and that they should respond promptly in order to ensure the accuracy of their voter registration data. The Director and General Counsel sent correspondence to Wisconsin Legislators, the Governor and the Attorney General on July 29, 2009, notifying them of the letters, to ensure they are up to speed on communications with their constituents. The Election Division Administrator sent a memo to Wisconsin Municipal and County Clerks on July 30, 2009 notifying them of the letters, and providing them with a Frequently Asked Questions document to assist them in handling any voter inquiries they may receive as a result of these letters.

Clerks in over 600 municipalities opted to have letters sent to their voters in September instead of July, to allow them time to research and correct their non-matches prior to the letters being sent. Letters will only be sent to voters in those municipalities who still show a non-match in September when the letters are sent.

The efforts of Wisconsin's hardworking Municipal and County Clerks can already be seen in this process. When the Retroactive HAVA Checks were initially run, there were over 120,000 non-matches (16% of the total Retroactive HAVA Checks). As of today, there are only a little over 106,000 (14% of the total checks). The efforts of clerks have already saved the Board over \$4,000 in costs related to printing and mailing letters, not to mention the public value of having voters' information corrected in the SVRS.

We anticipate the number of non-matches to continue to go down as voters begin responding to the letters, and as clerks continue to research and correct their non-matches.

Update on Clerks Ongoing HAVA Check Process

(HAVA Check of Voter Records from August 6, 2008, onward)

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

Clerks process the HAVA Checks and confirm matches on an ongoing basis during the course of their daily election administration tasks, which they have been doing since the Interfaces became functional in SVRS on August 6, 2008. The numbers reported in the table below should not be confused with the aforementioned Retroactive HAVA Check process (January 1, 2006 through August 5, 2008). That information is in addition to daily and routine HAVA Checks performed by our clerks on voter records from August 6, 2008, onward.

Since the Board’s last meeting, from June 23 through July 30, 2009, clerks processed 691 HAVA Checks with DOT/SSA in SVRS.

HAVA Checks reported by month	
August 2008 (starting August 6)	23,832
September 2008	38,168
October 2008	192,994
November 2008	294,905
December 2008	172,574
January 2009	41,041
February 2009	11,912
March 2009	2,438
April 2009	14,736
May 2009	1,391
June 2009	610
July 2009	522
Total HAVA Checks (August 6, 2008 through July 30, 2009)	795,123

Status of SVRS Reporting Requirements to the Legislative Joint Committee on Finance

The 2007 Wisconsin Act 20, Section 9227(IL), pertaining to expenditures from the Election Administration Fund for supporting the Statewide Voter Registration System, required the Government Accountability Board to provide the Legislative Joint Committee on Finance (JCF) with monthly SVRS program updates and status of expenditures. The reporting requirement mandated by Section 9227(IL) sunset June 30, 2009.

The Board’s Director and General Counsel committed to the two JCF Co-Chairs, to keep members of the JCF informed; therefore, we will continue to submit quarterly updates. The next report will cover the period from June 30, 2009, through September 30, 2009, and will be made available to the JCF by October 15, 2009. Reports will be sent quarterly by the 15th day of the month following the close of the subsequent quarters

Key Metrics:

Education, Training, and Technical Support with our partners, customers, constituents and stakeholders continued. Please refer to the Attachment.

30-day Forecast:

- A. Staff will collaborate with their clerk partners regarding strategies to improve communications.
- B. Continue to meet with the Wisconsin Election Data Collection System (WEDCS) Partners.

Action Items

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

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Status Report on the Early Voting Initiative A Midpoint Review

INTRODUCTION

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

As a result of these inefficiencies experienced with in-person absentee voting, the Board assigned staff to investigate early voting as a possible remedy. This investigation resulted in a 16 page in-depth analysis, entitled "An Examination of Early Voting in Wisconsin," which reported on the best practices and impacts of early voting in states that have already adopted early voting. The analysis also contained three general proposals of how Wisconsin might implement early voting while retaining Wisconsin's traditions of same day voter registration and municipal control of elections.

The Board accepted staff's analysis on March 31, 2009 and charged them to conduct a series of listening sessions throughout the state to gauge the opinion of the public, municipal clerks and county clerks on early voting. In response to this charge, eight listening tour dates were scheduled between July 7, 2009 and August 13, 2009. The first listening session was located in Fitchburg, followed by La Crosse, Kenosha, West Allis, Wausau, Green Bay, Washington and Rice Lake. These listening tour locations were chosen in an attempt to cover as many geographic regions of the state as possible. Each listening tour session is composed of two separate meetings, one for clerks and one for the public, with the exception of the listening session in Rice Lake. The reasons for separating these groups are to ensure that members of the public do not feel intimidated by the knowledge of the clerks on the topic of election administration, and to allow each meeting to be geared to a different level of experience and knowledge regarding elections.

In each listening session attendees are given a binder when they arrive, containing background material on early voting. Listening sessions begin with a narrated 52 slide PowerPoint slideshow presentation derived from the in-depth review and analysis accepted by the Board on March 31, 2009. Following the slideshow presentation, the listening session attendees are asked to share their comments, suggestions and questions. These statements and questions are typed into a document that is later revised. These notes serve as a meeting record and will be referred to in a final report presented to the Board at its October board meeting. Finally, listening session attendees are asked to fill out a survey designed to help staff to capture quantitative data on how they feel about early

voting and the proposals to implement early voting. This data will also inform the final report on early voting presented to the Board in October.

CURRENT STATUS

As of July 31, 2009, staff members have presented on early voting eleven times, four times to a public audience and seven times to election administrators. The first presentation by staff members occurred on May 29 and 30, 2009, at the League of Women Voters of Wisconsin's annual meeting in Manitowoc. On June 23, 2009, staff presented at the Wisconsin County Clerks' Association 104th Annual Symposium in Prairie Du Chien. On July 7, 2009, the first of the main listening sessions for clerks and the public took place in Fitchburg. A special meeting of the SVRS Standards Committee met with staff on July 9, 2009 to specifically discuss the impact of early voting on the Statewide Voter Registration System. Staff held their second main listening session in La Crosse on July 16, followed by two more listening session dates in Kenosha on July 22 and West Allis on July 23.

Attendance at the listening session tour dates has been mixed. Some sessions have had very high attendance, such as the County Clerks' Association presentation which had over 60 attendees. Overall, clerk sessions have been better attended than public sessions. Public session attendance at the listening session in La Crosse and Kenosha were particularly disappointing, as only four and six members came to each meeting, respectively. However, both the Fitchburg and Milwaukee public sessions have had about 25 attendees, which may be a reflection of these locations' larger populations. Another possibility is that the publicity for these listening sessions was more effective than the sessions in La Crosse and Kenosha. In an attempt to ensure better media coverage of these sessions, especially prior to the meetings, Reid Magney, the newly hired public information officer of the Government Accountability Board, has been asked to assist with publicity for the remaining sessions.

The remaining listening sessions scheduled for the month of August include Wausau and Green Bay on August 3 and 4, 2009, and Washington and Rice Lake on August 12 and 13, 2009. However, due to comments received from clerks in northern Wisconsin, staff has been working with Scott Fiebert, Bayfield County Clerk, to secure a location in Bayfield County that would be more convenient than Wausau or Rice Lake for clerks and the public in northern Wisconsin. This meeting would be take place on August 13, 2009. Finally, staff will attend the municipal clerks' convention on August 20, 2009, where it is hoped that staff will be able to present on early voting to this clerks-only audience.

EARLY FEEDBACK AND COMMENTS

Though their experience with elections and election administration are very different, both clerks and the public are extremely concerned about the potential costs of adopting any form of early voting. Clerks are reporting that their municipalities and counties are experiencing budget shortfalls, and that they are having to cut services, force employees to take furloughs and even laying off employees, and they strongly believe that their municipalities and counties cannot afford

to take on any extra expenditures while the economy remains in the current recession. In many ways, the clerks feel that the timing of these listening sessions is bad, and there is a possibility that the feedback of the clerks on early voting would be different. Some comments, such as wanting to hold off any pilot programs or early voting implementation until after 2010 or even 2012, seem to indicate that some of resistance to early voting would not be present in a different economic climate. The public, though they are not as aware of the financial details, are equally concerned with the potential price tag associated with early voting.

The threat of voter fraud has been raised in public and clerk sessions, though the strongest worry about voter fraud came in our West Allis public meeting. In this meeting, members of the public have expressed deep concerns about what is believed to be widespread, systemic fraud present in the current election system, and feel that early voting will only result in further fraud. These electors, as well as clerks in several meetings, have suggested a requirement to present photo ID, at the very least for early voting, as a method to mitigate this perceived threat to voting integrity.

Related in some ways are concerns regarding Wisconsin's same day registration. Whereas the public's concern, when concern has been expressed, is voter fraud, many clerks have expressed the belief that same day registration places a heavy burden upon clerks and their staffs. It has been repeatedly suggested that the reason long lines occurred for in-person absentee voting in November 2008 was not the current in-person absentee voting process, but was instead a result of many of these "early voters" also needing to be registered prior to casting their ballot. Many clerks, considering the difficulties posed by same day registration, have suggested that Wisconsin either end same day registration, or at the very least adopt a system where early voting is open only to electors who have registered prior to late registration.

However, the feedback has not been unanimous in opposition of same day registration and early voting. Some clerks have expressed the belief that same day registration is actually less work than the alternative, which would be large numbers of provisional ballots. Also, there has been acknowledgment that there are times, due to poll worker or SVRS error, that a voter who believes that they are registered is not found in the poll book and thus should have the opportunity to register at that time and not have to cast a provisional ballot. Some members of the public have also strongly come out in favor of same day registration, believing it to be critical to engage voters. This is reflected, they believe, in the high percentage of Wisconsin electors who vote when compared to national turnout.

In terms of early voting, though most clerks are opposed to true early voting, there are a very few who believe that cutting down on paper ballots (if DREs are used for early voting) will help cut down on election administration costs, and that pooling the costs of early voting over a region might also cut election costs. Some clerks have also expressed support for some version of early voting that allows for municipalities to opt in or out of early voting, with the most commonly proposed method of opting in being tied to a municipality's population, i.e., instituting a population limit where municipalities over the limit would be required to offer early voting. The population at which this should occur has varied widely, as the range of suggestions begins as low as 35,000 and ends as high as 100,000. Obviously, picking a number at either end of this range would drastically

impact the number of municipalities affected. As for the public, those that support early voting feel that early voting will help engage new voters, will result in greater voter convenience and reduce the number of “spoiled” ballots by allowing electors to cast their votes and make changes immediately if necessary, unlike the current system where these ballots are rejected without the voter being present at the polling place or central count facility on Election Day.

Overall, the idea of not adopting true early voting but streamlining the current process has had overwhelming support from clerks and the public. The exact nature of this streamlining, however, has been a point of contention. Some have expressed the belief that the absentee envelope is cumbersome and could be eliminated while others have suggested that they are critical for maintaining ballot secrecy and for recounts. Though eliminating the absentee application has not met with much support, many feel that a shortened, standardized application would be of service; one creative suggestion has been to incorporate a streamlined application onto the absentee envelope itself, reducing administrative costs. Many clerks feel that the witness requirement and the certification could be eliminated for in-person absentee voting, since this voting is occurring within the clerk’s office.

The biggest point of contention regarding streamlining proposals has been suggestions to standardize early voting to include a set amount of weekday hours and require two election officials to administer an in-person absentee location. Part-time clerks, many of which serve in smaller municipalities, often work full-time jobs that would require these clerks to make an extraordinary effort to maintain an in-person absentee site. Clerks in smaller municipalities also expressed deep concern that they would have difficulty finding poll workers for an extended voting period, particularly when they already have difficulty finding poll workers for Election Day.

SUMMARY

After the first eleven early voting listening sessions, the following themes have emerged:

- Concerns regarding costs, ballot integrity
- Lack of support for true early voting at this time
- Strong support for streamlining the current process, though disagreement on specifics

Staff will continue to collect comments and surveys to see if these themes continue at listening sessions elsewhere in the state. The collected feedback will then be incorporated into a final report that will be presented to the Board in October, outlining the opinions of clerks and the public and suggesting what early voting proposals, if any, would make sense for Wisconsin at this time.

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director & General Counsel

MEMORANDUM

DATE: August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Jonathan Becker, Administrator
Ethics and Accountability Division

SUBJECT: Ethics and Accountability Division Program Activity

Lobbying Update

Tommy Winkler, Ethics Specialist

Chapter 13.68, Wisconsin Statutes, requires all registered lobbying organizations to complete a 6 month Statement of Lobbying Activities and Expenditures (SLAE) report that contains information related to the organizations' lobbying effort between January 1 and June 30. The SLAE report is due on or before July 31. As a party of the SLAE report, those lobbyists who are authorized to lobby for the organization are required to complete a time report that identifies those hours spent communicating or working on other lobbying related matters for the organization. This report is also due on or before July 31. Both reports are filed electronically. Government Accountability Board staff contacted 700 registered organizations and 720 lobbyists to inform them of this filing requirement. Included in the table below is performance information related to the first lobbying reporting period for the 2009-2010 legislative session.

TABLE

2009-2010 Legislative Session: January to June Lobbying Report Information (Data Current as of 8:00 a.m. on August 3, 2009)	
	Number
Principal Organizations Filed	689 = 98.30% filed
Lobbyist Time Reports Filed	1495 = 99.99% filed

Financial Disclosure Update
Tommy Winkler, Ethics Specialist

Government Accountability Board staff mailed approximately 107 pre-printed Legislative Liaison reports to state agencies and boards required to file such a report with the Board under Chapter 19, *Wisconsin Statutes*. As of Monday, August 3, **101** statements have been filed. All state agencies are required to file a liaison report that indicates those agency officials who make lobbying communications with state officials, the percentage of their overall work time spent making such communications, and the official's annual salary. The report covers activity from January 1 to June 30. These reports are due on or before July 31, 2009. Staff also sent out quarterly financial disclosure statements to 37 State Investment Board members on June 30, 2009. These statements are to be completed and returned to the G.A.B. no later than July 31, 2009. As of Monday, August 3, **35** Investment Board members had filed statements with the G.A.B.

Contract Sunshine Update
Tommy Winkler, Ethics Specialist

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

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 10, 2009 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Kevin J. Kennedy, Director and General Counsel
Sharrie Hauge, Special Assistant to the Director

SUBJECT: Administrative Activities

Agency Operations

Introduction

The primary administrative focus of this reporting period has been on the development of a Furlough Implementation Plan, FY-09 financial close-out activities, FY-10 budget preparations, presentations and staff recruitment.

Noteworthy Activities

1. Additional 2009-2011 Biennial Budget Impacts

On June 29, 2009, the 2009-2011 Biennial Budget (2009 Wisconsin Act 28) became law with the Governor's signature and subsequent publication. As a result of the enactment, agencies were required to develop a furlough implementation plan for the required sixteen furlough days over the next biennium.

The management team determined the easiest way to implement the plan would be to designate 8-days over the biennium where the office is closed and allow the staff flexibility to schedule the remaining 8-days.

The scheduled days the agency will be closed over the next biennium are: September 4, 2009, October 12, 2009, November 27, 2009, May 7, 2010, July 2, 2010, April 22, 2011, May 27, 2011 and June 24, 2011. These dates will be posted on our website and a press release will be distributed before each day the office is closed.

The management team has developed criteria for implementing the flexible furlough days and hours. All staff across every bargaining unit will be allowed to take a minimum of 8 hours in a pay period, with a maximum of 16 hours in a pay period, but not more than 8 hours in a week. When using furlough time, staff can use no less than 2 hours at a time.

The original plan was approved by the Office of State Employment Relations; however, it has been somewhat challenging to begin the implementation because not all collective bargaining units have agreed upon the implementation approach.

2. FY-09 Budget Reconciliation

The financial staff has been working diligently to complete the FY-09 year-end reconciliation. The process includes reconciling the general program revenue (GPR) and federal program balances (expenses and revenue), liquidating purchase orders and filing several year-end reports. This process should be complete in mid-August.

3. FY-10 Operating Budget Preparations

The financial staff successfully completed budget tracking spreadsheets for FY-10 and are tracking daily expenditures. The financial staff will continue to work on budget projections throughout the year.

4. Staffing

Currently, staff is in the process of recruiting for one vacant Ethics Specialist and three vacant Information Technology positions. We are also working on securing authorization to fill a vacant high-level administrative support staff position.

5. Meetings and Presentations

I had several informal meetings and contacts with key agency stakeholders related to proposed legislation, the agency budget, and the Campaign Finance Information System (CFIS). I monitored several meetings organized by the Elections Division related to the State Election Administration Plan, early voting, 2010 census planning, SVRS enhancements, the election data grant and clerk communications.

On Tuesday, June 23, 2009, I joined key members of the Elections Division staff at the County Clerks' Conference in Fennimore. I provided information on G.A.B. initiatives. Diane Lowe, Ross Hein, Logan Dixon, Ed Edney, Adam Harvell all played a key role in sharing information with the County Clerks on Elections Division activities. The primary focus of the presentations was on the Early Voting Initiative. Staff also presented a training session on SVRS practices on June 22, 2009 at the conference.

The Pew Charitable Trusts Center on the States has included me along with several other state and local election officials on its Voter Registration Modernization Design Working Group. The goal of the working group is to identify practices and policies that will enhance the efficiency, accuracy and integrity of voter registration records and achieve significant

cost savings through the use of technology. The working group consists of 20 state election officials, 7 local election officials, 4 political scientists along with several computer scientists and policy analysts. PEW has scheduled a series of meetings including one on June 4 and 5, 2009 described in my last report as well as one on July 30 and 31, 2009.

On July 16, 17 and 18, 2009, I attended the meeting of the National Association of Secretaries of State (NASS) in Minneapolis. I was able to meet with a number of organizations promoting increased voting accessibility for military and overseas voters, get updates on federal legislation, including the proposed Military and Overseas Voting Empowerment Act (MOVE), and review various election initiatives begun in other states. Our proposed State Plan had attracted considerable national attention.

On July 21, 2009, the G.A.B. staff attorneys hosted the quarterly meeting of the State Public Records Attorneys Group (PRAG) in our conference room. It was a one of largest attended meeting of the group. The presentations focused on recent and pending open meeting and public records cases.

Looking Ahead

The staff will continue to work with the Legislature on legislative initiatives and carryout a number of organization functions related to ongoing investigations, administrative rule promulgation, informational manual revisions, wrapping up the fiscal year and the agency website.

Action Items

None

ITEM K

Proposed 2010 Board Meeting Schedule

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the August 10, 2009 Meeting

TO: Government Accountability Board Members

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Proposed 2010 Meeting Dates

The attached schedule lists, in bold type, proposed meeting dates for the Government Accountability Board in 2010. The proposed meeting dates are presented to enable Board Members to coordinate the Board meetings with Members 20109 travel plans.

I have set out a list of proposed meeting dates beginning in January, 2010. There are 8 suggested meeting events. I have placed them in the context of other events on the agency calendar. I defaulted to Mondays because of past Board Member preferences. However, Monday meetings present preparation challenges for staff. Staff preference would be for a Tuesday or Wednesday meeting date in most cases. Note the proposed January meeting is scheduled for a Thursday and the proposed and July meeting is scheduled for a Wednesday to accommodate the ballot access filing and challenge deadlines.

I suggest Board Members consider meeting for two days in July in order to resolve ballot access issues as well as regularly occurring business. The Board may choose to adjust the schedule based on the anticipated workload.

In some cases, depending on the number and/or complexity of the issues, the Board may consider holding short teleconference calls between in-person meetings. Also, the Board may wish to consider hold some of its 2010 meetings in venues other than Madison.

Proposed Motion: The Government Accountability Board adopt the proposed 2010 meeting schedule (as modified by Board discussion.)

Government Accountability Board Proposed 2010 Meeting Dates

January

Tuesday, January 5, 2010 – Nomination Paper Filing Deadline for Spring Election
Friday, January 8, 2010 – Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Spring Elections

**Thursday, January 14, 2010 - Proposed Government Accountability Board
Teleconference Meeting**

February

Monday, February 1, 2010- Deadline for Filing Semi-Annual Continuing Campaign Finance Reports
Monday, February 1, 2010 - Deadline for Filing Semi-Annual Lobby Reports
Monday, February 8, 2010 - Deadline for Filing Pre-Primary Campaign Finance Reports
Tuesday, February 16, 2010 – Spring Primary Election – No Statewide Office on Ballot

No Meeting Proposed

March

Monday, March 29, 2010- Deadline for Filing Pre-Election Campaign Finance Reports

Monday, March 29, 2010 - Proposed Government Accountability Board Meeting

April

Tuesday, April 6, 2010 –Spring Election
Friday, April 30, 2010 – Deadline for Filing Statements of Economic Interests

No Meeting Proposed

May

Friday, May 7, 2010 - G.A.B. Offices Closed – Budget Related Furlough

Monday, May 10, 2010 - Proposed Government Accountability Board Meeting

Monday, May 17, 2010 – Deadline for Certifying Spring Election Results

June

Tuesday, June 1, 2010 – First Day to Circulate Nomination Papers for Fall Elections

No Meeting Proposed

July

Friday, July 2, 2010 – G.A.B. Offices Closed – Budget Related Furlough

Tuesday, July 13, 2010 – Deadline for Filing Nomination Papers for Fall Elections

Friday, July 16, 2010 – Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Fall Elections

Wednesday, July 20, 2010- Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Wednesday, July 22, and Thursday, July 23, 2010 – Proposed Government Accountability Board Meeting

August

Monday, August 2, 2010 - Deadline for Filing Semi-Annual Lobby Reports

Monday, August 31, 2010 – Proposed Government Accountability Board Meeting

September

Monday, September 6, 2010 - Deadline for Filing Pre-Primary Campaign Finance Reports

Monday, September 14, 2010 – Proposed Government Accountability Board Teleconference Meeting to Approve Proposed Agency Budget

Wednesday, September 29, 2010 – Deadline for Certifying Partisan Primary Election Results

Thursday, September 30, 2010 – Deadline for Certifying WECF Grants

October

Monday, October 11, 2010 Proposed Government Accountability Board Meeting

Monday, October 29, 2010- Deadline for Filing Pre-Election Campaign Finance Reports

November

Tuesday, November 2, 2010 – General Election

No Meeting Proposed

December

Wednesday, December 1, 2010 – Deadline for Certifying November General Election Results and First Day to Circulate Nomination Papers for Fall Elections

Monday, December 13, 2010 Proposed Government Accountability Board Meeting

Eight (8) Proposed Meetings – 1 2-Day Meeting, 2 Teleconference Meetings

Thursday, January 14, 2010 (Teleconference)

Monday, March 29, 2010

Monday, May 10, 2010

Wednesday, July 22, 2010

Thursday, July 22, 2010

Monday, August 31, 2010

Monday, September 14, 2010 (Teleconference)

Monday, October 11, 2010

Monday, December 13, 2010