

Meeting of the Board
Tuesday, January 12, 2016
9:00 A.M.

Amended Agenda
Open Session

Teleconference Meeting

Government Accountability Board Offices
212 East Washington Avenue, Third Floor
Madison, Wisconsin

Tuesday, January 12, 2016

9:00 A.M.

Page

- A. Call to Order**
- B. Director’s Report of Appropriate Meeting Notice**
- C. Selection of Board Officers** **3**
- D. Personal Appearances**
(Note the Board will be hearing only from individuals with issues concerning ballot access for the 2016 Spring Elections)
- E. Agency Transition Report** **4**
- F. Delegation of Certain Authority to Director and General Counsel** **6**
- G. Election Administration - Ballot Access Report** **11**
- H. Registration and Reporting of Segregated Funds** **25**
- I. Per Diem Payments**
- J. Director’s Report**
- K. 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.

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.

January 12, 2016 Agenda

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

The Government Accountability Board has scheduled its next meeting for Tuesday, March 1, 2016 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m. The meeting may be relocated to the State Capitol to accommodate participation by newly appointed commissioners for the Elections and Ethics Commissions.

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

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 12, 2016 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Selection of Board Officers

Each state agency administered by a Board must elect a chairperson, vice-chairperson and secretary at its first meeting of every year. Wis. Stat. § 15.07(2). The Government Accountability Board is required to select its Chairperson by lot, drawn by the current chairperson, at the first meeting of the Board in January of each year. Wis. Stat. § 15.07(2)(b). Since the selection is done at a teleconference meeting, the current Board Chair designates a Board Member who is present in Madison to draw the names. In this case, Judge Vocke will be in Madison for the January 12, 2016 teleconference meeting.

There is no restriction on an individual being selected to serve as Chair more than once during the member's term. There is also no restriction limiting an individual from serving consecutive terms as Chairperson.

Each Board is required to select a chairperson, vice-chairperson and secretary. While the selection process for the chairperson of the Government Accountability Board is set by statute, the selection of the other officers is not. In January 2008, the Board established the practice of selecting the other officers by lot as well.

The Board has adopted the practice of filling a vacancy in an office by having the remaining officers move up to fill the respective vacancies. This keeps the succession practice consistent with the statutory requirement the Board Chairperson is selected by lot. The position of Secretary is chosen by lot to fill the vacancy created by this succession practice.

The staff will prepare the materials for selection of the officers by lot. The Board will be able to proceed with the selection of its 2016 officers at the January 12, 2016 meeting.

The new Chairperson will conduct the meeting after his or her selection. If the new Chairperson is one of the members participating by teleconference, the Chair may choose to have another member conduct the meeting from Madison.

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JUDGE GERALD C. NICHOL
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 12, 2016 Meeting

TO: Members, Wisconsin Government Accountability Board

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

SUBJECT: Agency Transition Report

Legislation to reorganize the Government Accountability Board into two separate bipartisan commissions effective June 30, 2016 was approved by the Governor on December 16, 2015 as 2015 Wisconsin Act 118.

The legislation requires the Secretary of the Department of Administration (DOA) to submit an implementation plan by June 1, 2016, to the Joint Committee on Finance for approval under section 13.10 of the statutes. In the plan, the secretary shall propose expenditure authority for the elections commission and the ethics commission by appropriation and specify the funding sources of all positions for each commission. The Director and General Counsel is required to participate in formulating the implementation plan. He is also required to work in concert with the secretary and members appointed to the elections and the ethics commissions to ensure a smooth transition.

The agency Management Team has been developing materials to assist in the transition of the agency into two separate entities. On December 4, 2015, I had an initial meeting with DOA Deputy Secretary Cate Zeuske to discuss the process for developing a transition plan.

The agency transition team of Kevin Kennedy, Sharrie Hauge and Reid Magney met with DOA Deputy Secretary Cate Zeuske and a team of individuals she assembled on Wednesday, December 16, 2015. We shared a list of transition issues developed by the agency Management Team with the DOA team. G.A.B. staff agreed to provide a proposed staff position assignment chart to the DOA team. We also agreed to draft position descriptions for the agency administrators that the new Commissioners could consider for the recruitment of the administrators.

These documents have been developed and shared with the DOA team. In addition, G.A.B. staff has developed a format for legislative leaders to submit their appointments and lists of nominees to the Governor. This should enable the DOA Secretary to provide direction to legislative leaders as they consider appointments to the new Commissions. Appointments can be made by the legislative leaders following publication of the approved legislation. The publication date was December 17, 2015.

The next meeting of the G.A.B. transition team and DOA representatives is scheduled for Wednesday, January 20, 2016.

I will continue to keep Board Members apprised of the development of the plan through periodic reports including keeping this update as a standing agenda item for the remaining scheduled G.A.B. meetings: March 1, 2016; April 26, 2016 and June 1, 2016.

This report is provided for the Board's information and no action is required.

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 12, 2016 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Delegation of Authority to Director and General Counsel

By statute, the Government Accountability Board has plenary authority over all of the state's campaign finance, election, ethics and lobbying laws. In separate subsections of Wis. Stat. § 5.05 (1), the Board is given a series of specific, quasi-judicial and litigative powers in addition to its plenary authority. Under Wis. Stat. § 5.05 (1)(e), the Board may delegate some, but not all, of those specific responsibilities to the Director and General Counsel.

On December 10, 2007, the Board designated Kevin J. Kennedy as Wisconsin's chief election official pursuant to Wis. Stat. § 5.05 (3)(g). On January 28, 2008, the Government Accountability Board voted to use the working title of "Director and General Counsel" for its chief legal and administrative officer rather than the statutory title "Legal Counsel" because it was consistent with agencies in other states handling similar functions.

Section 5.05 Government Accountability Board; Powers and Duties.

(1) . . .the Board may:

(e) Delegate to its legal counsel the authority to intervene in a civil action or proceeding under sub. (9), issue an order under s.5.06, exempt a polling place from accessibility requirements under s.5.25 (4)(a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s.5.40 (5m), approve an electronic data recording system for maintaining poll lists under s.6.79, or authorize non-appointment of an individual who is nominated to serve as an election official under s.7.30 (4)(e), subject to such limitations as the board deems appropriate.

Before the passage of 2007 Wisconsin Act 1, the State Elections Board was authorized to delegate this authority along with other specified powers related to the conduct of investigations and enforcement actions to its executive director. 2007 Wisconsin Act 1 removed the authorization for the Government Accountability Board to delegate authority to its chief administrative officer to issue a subpoena, apply for a search warrant or commence a legal action. Now the Board must specifically authorize these actions. Wis. Stat. § 5.05 (1)(b), (2m)(c)4., 6.a.

In addition to the statutory delegation set out in Wis. Stat. § 5.05 (1)(e), the Board has specifically delegated certain administrative matters to the Director and General Counsel to facilitate the day-

to-day operations of the agency. This delegation was done to clarify the scope of the Director and General Counsel's authority. This includes the authority to sign contracts on behalf of the Board; to certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Board; to accept, review, and exercise discretion to approve applications for voting system modifications for systems previously approved for use in Wisconsin; to implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates; to communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation; and to make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed administrative rule does not have an economic impact.

In 2013, the Board withdrew its delegation for the Director and General Counsel to apply for federal funds and sign certifications related to federal funding eligibility on behalf of the Board. As a consequence the Board will review staff requests to take these actions before they are authorized.

In 2014, the Board decided to clarify the Director and General Counsel's authority to sign contracts on behalf of the agency. The Director and General Counsel is authorized to execute and sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m). For any contract involving a sum over \$100,000, the Director must first consult with the Board Chair.

In 2015, the Board decided to further clarify the Director and General Counsel's authority to sign contracts on behalf of the agency. The Director is required to request approval from Board Chair and provide five days' prior notice to the Board before entering into a sole source contract regardless of the dollar amount. The Director is required to request approval from the Board for purchases from a statewide contract over \$100,000. The Director is required to request approval from the Board prior to posting a Request for Proposal or Request for Bid. The staff is required to provide quarterly expenditure reports to the Board.

The Director and General Counsel is required to consult with the Board Chair to determine whether Board Members should be polled or a special meeting conducted before most delegated action is taken. The Director and General Counsel is also required to report, at the Board meeting immediately following action on any delegated authority, the specifics of any action taken, the basis for taking the action, and the outcome of that action.

This delegation of authority is done at the beginning of each calendar year or in the event of a transition in the position of the Director and General Counsel. The delegation for each year continues in effect until the Board acts in the subsequent year, or unless the Board acts to modify such delegation during the calendar year.

Recommendation

I recommend the Board delegate the following quasi-judicial and litigation authority to the Director and General Counsel pursuant to Wis. Stat. § 5.05 (1)(e), and his role as agency head and chief state election official:

- To intervene in court actions under the provisions of Wis. Stat. § 5.05(9);
- To issue compliance review orders under the provisions of Wis. Stat. § 5.06;

- To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);
- To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
- To sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m), and for any contract involving a sum over \$100,000 the Director must first consult with the Board Chair. In addition, the Director is required to request approval from Board Chair and provide five days' prior notice to the Board before entering into a sole source contract regardless of the dollar amount. The Director is required to request approval from the Board for purchases from a statewide contract over \$100,000. The Director is required to request approval from the Board prior to posting a Request for Proposal or Request for Bid. In accordance with the foregoing, the Director has the authority to execute and sign contracts;
- To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Board;
- To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
- To implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates;
- To communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation;
- To make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed rule does not have an economic impact.

This delegation would be subject to the requirement that before it is exercised, the Director and General Counsel consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before action is taken. In addition, the Director and General Counsel would be required to report, at the Board meeting immediately following action on the delegated authority, the specifics of the action taken, the basis for taking the action, and the outcome of that action.

The only exceptions to consultation with the Board Chair would be decisions to permit a municipality to use paper ballots instead of electronic voting equipment; to approve applications for voting system engineering change orders (ECOs); to exempt municipalities from polling place accessibility requirements; to authorize the non-appointment of an individual who is nominated to serve as an election official; and to sign certificates of election and other election related certifications on behalf of the Board.

Permitting a municipality to use paper ballots instead of electronic voting equipment is a fairly routine decision that is predicated on unique circumstances such as the cost of programming electronic voting equipment when there is only one race on the ballot. Applications for ECOs generally involve practical modifications based on discontinuance of parts or other minor modifications that do not impact the tabulation or compilation of election results. Applications for exemption from accessibility requirements are rare and generally involve last minute construction issues.

Agency purchases are governed by state procurement requirements. Very few contracts exceed \$100,000. Post-election certifications are generally administrative in nature, time sensitive and necessary to ensure an orderly transition of leadership following an election. These election-related certifications cannot be completed while a recount or litigation challenging a recount is pending. Wis. Stat. § 7.70 (5)(a).

This delegation continues beyond the calendar year until reviewed by the Board. This specific delegation should be reviewed upon any transition in the position of Director and General Counsel.

A proposed motion is set out below:

MOTION: Pursuant to Wis. Stat. § 5.05 (1)(e), and his role as agency head and chief state election official, the Government Accountability Board delegates the following authority to its Director and General Counsel:

- 1) To intervene in actions under the provisions of Wis. Stat. § 5.05(9);
- 2) To issue compliance review orders under the provisions of Wis. Stat. § 5.06;
- 3) To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- 4) To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stats. § 5.40(5m);
- 5) To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
- 6) To sign contracts on behalf of the Board, except as provided in Wis. Stat. § 5.05(2m), and for any contract involving a sum over \$100,000 the Director must first consult with the Board Chair. In addition, the Director is required to request approval from Board Chair and provide five days' prior notice to the Board before entering into a sole source contract regardless of the dollar amount. The Director is required to request approval from the Board for purchases from a statewide contract over \$100,000. The Director is required to request approval from the Board prior to posting a Request for Proposal or Request for Bid. In accordance with the foregoing, the Director has the authority to execute and sign contracts;
- 7) To certify and sign election related documents including candidate certifications, certificates of election on behalf of the Board, and certifications of election results;

- 8) To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders for systems (ECOs) previously approved for use in Wisconsin;
- 9) To implement the Board's determinations regarding sufficiency of nomination papers or qualifications of candidates;
- 10) To communicate with litigation counsel representing the Board in order to make timely necessary decisions regarding Board litigation;
- 11) To make a finding pursuant to Executive Order #50, Sec. IV (8), that a proposed rule does not have an economic impact.

The Director and General Counsel shall consult with the Board Chair to determine whether Board members should be polled or a special meeting conducted before action is taken. The Director and General Counsel does not need to consult with the Board Chair with respect to decisions to permit a municipality to use paper ballots instead of electronic voting equipment, to approve applications for voting system engineering change orders (ECOs), to exempt municipalities from polling place accessibility requirements, to authorize the non-appointment of an individual who is nominated to serve as an election official, and to sign contracts, certificates of election and election-related certifications on behalf of the Board. The Director and General Counsel shall also report, at the Board meeting immediately following action on the delegated authority, the specifics of the action taken, the basis for taking the action and the outcome of that action.

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JUDGE GERALD C. NICHOL
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 12, 2016, Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:

Diane Lowe, Lead Elections Administration Specialist
Government Accountability Board

SUBJECT: Ballot Access for the 2016 Spring Election

This memorandum presents a summary of important and noteworthy information about candidates requesting ballot access for the 2016 Spring Election.

Summary

The nomination paper filing deadline for the 2016 Spring Election for the offices of Justice of the Supreme Court, Court of Appeals Judge and Circuit Court Judge was 5:00 p.m., on Tuesday, January 5, 2016. The circulation period for nomination papers began on December 1, 2015.

A total of 65 candidates for state offices registered for the Spring Election, 63 of which filed nomination papers with the Government Accountability Board. Four candidates registered for the office of Justice of the Supreme Court. Only the incumbents registered for each of the four Court of Appeals Judge Districts and 57 candidates registered for 40 Circuit Court Judge positions in 23 counties.

The first set of nomination papers was filed on December 2, and no papers were filed on deadline day.

Date Submitted	Sets of Papers Filed
December 2, 2015	1
Week of December 7	0
Week of December 14	12
Week of December 21 (3 working days)	13
Week of December 28 (3 working days)	27
January 4 2016	10

Every nomination paper submission was reviewed and a determination regarding sufficiency was made within 24 hours. By the deadline for filing nomination papers on Tuesday, January 5, 2016, 17 candidates had also filed additional nomination papers to supplement their original filings. All papers submitted were found to be sufficient.

Eleven races, including Justice of the Supreme Court, are contested.

Notification of Noncandidacy

The Notification of Noncandidacy is required to be filed by an incumbent who is not seeking re-election to the office he or she currently holds. If an incumbent fails to timely file the Notification of Noncandidacy and does not file ballot access documents by the filing deadline, the filing deadline is extended 72 hours for any other candidate for that office. The extension does not apply to the incumbent.

Staff reached out to incumbents to ensure that all who did not plan to stand for re-election filed a Notification of Noncandidacy by the deadline of Monday, December 28, 2015, so that the ballot certification and preparation process was not delayed. Nine incumbent Circuit Court Judges filed Notifications of Noncandidacy with the Elections Division by the deadline. The incumbent for Dane County Circuit Court Judge, Branch 3 did not file the Notification of Noncandidacy and did not file ballot access documents; therefore the filing deadline for other candidates for that office is extended to 5 pm on January 8, 2016.

Number of Nomination Paper Signatures Required

- Candidates for Justice of the Supreme Court must file a minimum of 2,000 valid signatures of qualified electors of Wisconsin to qualify for ballot access. Wis. Stat. § 8.10 (3)(a).
- Candidates for Court of Appeals Judge must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(am).
- Candidates for circuit court in counties over 500,000 in population (Milwaukee County) must file a minimum of **1,000** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(c).
- Candidates for circuit court in counties less than 500,000 in population must file a minimum of **200** valid signatures of qualified electors from the district to qualify for ballot access. Wis. Stat. § 8.10 (3)(b).

Irregularities in Ballot Access Documents Not Affecting Ballot Status

There were several notable irregularities, which staff believes do not affect ballot status:

1. One set of nomination papers for the office of Circuit Court Judge identified the office as simply “Judge.” The jurisdiction was identified as “Milwaukee County Circuit Court” and the branch number was listed. It is the sense of G.A.B. staff that “Judge” adequately describes the office since “Circuit Court” is included in the description of the jurisdiction.

- In the spring of 2015, we encountered an issue involving candidates for Milwaukee County Circuit Court and their circulators who were also Milwaukee County judges. Many of the printed names of signers were suspiciously similar to the hand-writing of the judge that circulated the page. Wis Stat. §8.10 (4)(b) requires the printed name to be made by the signer of the petition, unless the signer requests assistance in signing their name. At that time, the Board instructed staff to contact the affected candidates to inform them that the practice of printing the name for the signer is unacceptable and staff obliged.

The same trend occurred this year on nomination papers of Milwaukee County Circuit Court candidates. Just as last year, staff did not strike the signatures. Had staff struck the signatures, each candidate would still have sufficient signatures. Staff will send a memo to the clerk of circuit court for distribution to all Milwaukee County judges in order to counsel them to refrain from this practice when circulating their own or other candidates' papers.

Candidate	Office	No. of pages	No. of Signatures	Circulators
Glenn Yamahiro	Milwaukee Co. Circuit Court, Branch 34	2	20	Pocan/Dallet
Christopher Foley	Milwaukee Co. Circuit Court, Branch 14	3	27	Pocan/Dallet
Mary Kuhnmuensch	Milwaukee Co. Circuit Court Branch 5	5	47	Kremers/Dallet/ Carroll/Kuhnmuensch/ Dwyer
Michelle Ackerman Havas	Milwaukee Co. Circuit Court Branch 45	5	40	Kremers/Pocan/ Carroll/Swanson

Probable Primaries

Assuming Statements of Economic Interests are timely filed and barring any successful challenge to the sufficiency of nomination papers, there will be a primary for the offices of Supreme Court Justice and Circuit Court Judge in Iowa, Kewaunee, Portage and Walworth Counties.

The deadline for filing challenges to nomination papers is Friday, January 8, 2016. If any challenges are filed, Board staff will analyze the challenge and response documents and present recommendations regarding those candidates at the Board meeting. Absent any challenges and contingent upon each candidate marked “pending” submitting a completed Statement of Economic Interests form, staff recommends certification of the 63 candidates marked “approved” or “pending” on the “Candidates Registered by Office” report which is attached.

Recommended Motion: Absent any successful ballot access challenges and contingent upon each pending candidate submitting a completed Statement of Economic Interests form, the Board certifies ballot status for the 63 candidates listed as “approved” or “pending.”

Attachments: List of Incumbents who Filed a Notification of Noncandidacy
 List of Candidates Registered by Office

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status
								Primary General
Office:		President of the United States		Incumbent:	Barack H. Obama			
		Office Subtotal: 0						
Office:		Justice of the Supreme Court		Incumbent:	Rebecca Bradley			
2016PRES-PREF-062	105427	REBECCA G. BRADLEY 6928 Grand Pkwy Wauwatosa, WI 53213-3862	Non-Partisan	1/4/2016	1/4/2016	1/4/2016	3850	APR
	105681	CLAUDE COVELLI 5501 Tolman Ter Madison, WI 53711-3569	Non-Partisan				0	PEND
2016PRES-PREF-059	103492	JOE DONALD 2866 N 74Th St Milwaukee, WI 53210-1010	Non-Partisan	1/4/2016	1/5/2016	1/4/2016	2930	APR
2016PRES-PREF-028	105065	JOANNE F. KLOPPENBURG 2318 Rowley Ave Madison, WI 53726-5330	Non-Partisan	11/30/2015	12/29/2015	12/28/2015	2729	APR
		Office Subtotal: 4						
Office:		COURT OF APPEALS - DISTRICT 1 2016-2022		Incumbent:	Joan F. Kessler			
2016PRES-PREF-032	104194	JOAN F. KESSLER 9312 W Clovermook St Milwaukee, WI 53224-5211	Non-Partisan	12/28/2015	12/28/2015	12/28/2015	1461	APR
		Office Subtotal: 1						
Office:		COURT OF APPEALS - DISTRICT 2 2016-2022		Incumbent:	Paul F. Reilly			
2016PRES-PREF-007	103476	PAUL F. REILLY 35847 Waterstone Cir Oconomowoc, WI 53066-8309	Non-Partisan	11/23/2015	12/11/2015	12/18/2015	1371	APR
		Office Subtotal: 1						
Office:		COURT OF APPEALS - DISTRICT 3 2016-2022		Incumbent:	Thomas Hruz			
2016PRES-PREF-023	105657	THOMAS M. HRUZ 5323 Brookview Dr Grand Chute, WI 54913-5443	Non-Partisan	7/3/2015	1/5/2016	12/23/2015	1380	APR
		Office Subtotal: 1						
Office:		COURT OF APPEALS - DISTRICT 4 2016-2022		Incumbent:	Brian Blanchard			
2016PRES-PREF-054	103880	BRIAN W. BLANCHARD 6722 Colony Dr Madison, WI 53717-1125	Non-Partisan	12/29/2015		12/29/2015	1209	PEND
		Office Subtotal: 1						

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		BARRON COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	James C. Babler				
2016PRES-PREF-003	102573	JAMES C. BABLER 171 Rolling Oaks Dr Barron, WI 54812-9701	Non-Partisan	10/13/2015	12/14/2015	12/17/2015	400		APR
		Office Subtotal: 1							
Office:		CRAWFORD COUNTY CIRCUIT COURT JUDGE		Incumbent:	James P. Czajkowski (Filed Notification of Noncandidacy)				
2016PRES-PREF-010	105694	LYNN MARIE RIDER 63742 Cliffwood Dr Pr Du Chien, WI 53821-8580	Non-Partisan	12/18/2015	1/1/2016	12/18/2015	284		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	James R. Troupis				
2016PRES-PREF-002	105650	VALERIE L. BAILEY-RIHN 1508 Capital Ave Madison, WI 53705-1226	Non-Partisan	12/14/2015	12/21/2015	12/14/2015	324		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Amy R. Smith (Filed Notification of Noncandidacy)				
2016PRES-PREF-052	105679	EVERETT MITCHELL 1110 Stonehaven Dr Sun Prairie, WI 53590-4476	Non-Partisan	1/4/2016	1/4/2016	12/30/2015	400		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Nicholas J. McNamara				
2016PRES-PREF-040	104877	NICHOLAS J. MCNAMARA 5129 Juneau Rd Madison, WI 53705-4743	Non-Partisan	12/7/2015	1/5/2016	12/29/2015	270		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 14		Incumbent:	C. William Foust (Filed Notification of Noncandidacy)				
2016PRES-PREF-001	105648	JOHN D. HYLAND 107 W 2Nd St Waunakee, WI 53597-1377	Non-Partisan	9/23/2015		12/2/2015	391		PEND
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 15		Incumbent:	Stephen Ehlike				
2016PRES-PREF-031	104780	STEPHEN EHLKE 812 McBride Rd Madison, WI 53704-6063	Non-Partisan	11/4/2015	12/28/2015	12/28/2015	304		APR
		Office Subtotal: 1							
Office:		DANE COUNTY CIRCUIT COURT JUDGE, BRANCH 17		Incumbent:	Peter C. Anderson				
2016PRES-PREF-013	104859	PETER C. ANDERSON 330 Cheyenne Trl Madison, WI 53705-4703	Non-Partisan	12/18/2015	12/22/2015	12/18/2015	271		APR
		Office Subtotal: 1							
Office:		EAU CLAIRE COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Brian Howard Wright				
2016PRES-PREF-036	105675	JOHN F. MANYDEEDS 2807 Wellington Dr W Eau Claire, WI 54703-0779	Non-Partisan	9/28/2015		12/29/2015	374		PEND
2016PRES-PREF-027	105290	BRIAN H. WRIGHT 3727 Echo Valley Dr Eau Claire, WI 54701-2313	Non-Partisan	10/23/2015	12/28/2015	12/28/2015	387		APR
		Office Subtotal: 2							
Office:		FOND DU LAC COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Peter L. Grimm				
2016PRES-PREF-049	102529	PETER L. GRIMM 96 Ledgebrook Dr Fond Du Lac, WI 54935-9666	Non-Partisan	11/27/2015	12/10/2015	12/30/2015	280		APR
		Office Subtotal: 1							
Office:		FOND DU LAC COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	Gary R. Sharpe				
2016PRES-PREF-004	104879	GARY R. SHARPE N5560 Ledgebrook Ct Fond Du Lac, WI 54937-7949	Non-Partisan	11/27/2015	1/4/2016	12/17/2015	271		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office: IOWA COUNTY CIRCUIT COURT JUDGE									
2016PRES-PREF-018	105680	TIM ANGEL 413 N Johnson St Dodgeville, WI 53533-1025	Non-Partisan	12/22/2015	12/29/2015	12/22/2015	358		APR
2016PRES-PREF-012	105678	MARGARET M. KOEHLER 624 Orchard Ridge Rd Dodgeville, WI 53533-2001	Non-Partisan	10/19/2015	12/8/2015	12/18/2015	400		APR
2016PRES-PREF-020	105695	TIMOTHY B. MCKINLEY 205 W Fountain St Dodgeville, WI 53533-1611	Non-Partisan	12/22/2015	12/28/2015	12/22/2015	400		APR
2016PRES-PREF-025	104507	LARRY NELSON 1243 W Lake Rd Mineral Point, WI 53565-9248	Non-Partisan	10/12/2015	12/23/2015	12/23/2015	400		APR
Office Subtotal: 4									
Office: JUNEAU COUNTY CIRCUIT COURT JUDGE, BRANCH 1									
2016PRES-PREF-043	104222	JOHN PIER ROEMER W6128 Woodland Hills Rd New Lisbon, WI 53950-9433	Non-Partisan	11/30/2015	12/30/2015	12/30/2015	400		APR
Office Subtotal: 1									
Office: KEWAUNEE COUNTY CIRCUIT COURT JUDGE									
2016PRES-PREF-061	105661	KEITH A. MEHN N3806 County Road C Kewaunee, WI 54216-9788	Non-Partisan	7/15/2015	12/29/2015	1/4/2016	383		APR
2016PRES-PREF-047	104300	ANDREW NAZE 727 Lowell Rd Luxemburg, WI 54217-9284	Non-Partisan	12/2/2015	12/22/2015	12/30/2015	398		APR
2016PRES-PREF-051	105666	JEFFREY RONALD WISNICKY 915 Dodge St Kewaunee, WI 54216	Non-Partisan	12/30/2015	12/30/2015	12/30/2015	400		APR
Office Subtotal: 3									
Office: LINCOLN COUNTY CIRCUIT COURT JUDGE, BRANCH 1									
2016PRES-PREF-024	104214	JAY R. TLUSTY 1306 Lark St Merrill, WI 54452-3413	Non-Partisan	11/30/2015	12/23/2015	12/23/2015	400		APR
Office Subtotal: 1									

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MARATHON COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Greg Huber				
2016PRES-PREF-026	102311	GREG HUBER 406 S 9Th Ave Wausau, WI 54401-4541	Non-Partisan	11/27/2015	12/14/2015	12/23/2015	393		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 5		Incumbent:	Mary M. Kuhnmuench				
2016PRES-PREF-017	103530	MARY M. KUHNMUENCH 2600 W Hunter Cir Glendale, WI 53209-1871	Non-Partisan	10/28/2015	12/21/2015	12/21/2015	1521		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 14		Incumbent:	Christopher R. Foley				
2016PRES-PREF-005	102049	CHRISTOPHER R. FOLEY 2545 N 93Rd St Wauwatosa, WI 53226-1703	Non-Partisan	6/11/2015	12/17/2015	12/17/2015	1578		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 25		Incumbent:	Stephanie G. Rothstein				
2016PRES-PREF-022	104812	STEPHANIE ROTHSTEIN 1924 E Cumberland Blvd Whitefish Bay, WI 53211-1235	Non-Partisan	11/2/2015	12/22/2015	12/22/2015	1343		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 31		Incumbent:					
2016PRES-PREF-060	105163	HANNAH C. DUGAN 5004 W Wisconsin Ave Milwaukee, WI 53208-3054	Non-Partisan	1/4/2016	1/4/2016	1/4/2016	1286		APR
	105691	MICHAEL D. PHILLIPS 2523 E Webster Pl Apt 12 Milwaukee, WI 53211-4248	Non-Partisan	11/23/2015			0		PEND
2016PRES-PREF-058	105702	PAUL RIFELJ 2630 N 85Th St Wauwatosa, WI 53226-1916	Non-Partisan	12/16/2015	1/4/2016	1/4/2016	2000		APR
		Office Subtotal: 3							

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Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 34		Incumbent:	Glenn H. Yamahiro				
2016PRES-PREF-011	104215	GLENN H. YAMAHIRO 9269 N Waverly Dr Bayside, WI 53217-1340	Non-Partisan	12/18/2015	12/18/2015	12/18/2015	1291		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 44		Incumbent:	Daniel L. Konkol (Filed Notification of Noncandidacy)				
2016PRES-PREF-057	105654	GWEN CONNOLLY 3493 N Hackett Ave Milwaukee, WI 53211-2946	Non-Partisan	1/4/2016	1/5/2016	1/4/2016	1726		APR
		Office Subtotal: 1							
Office:		MILWAUKEE COUNTY CIRCUIT COURT JUDGE, BRANCH 45		Incumbent:	Michelle Ackerman Havas				
2016PRES-PREF-021	105656	MICHELLE ACKERMAN HAVAS 3479 W Red Leaf Ct Franklin, WI 53132-6907	Non-Partisan	6/29/2015	12/23/2015	12/22/2015	2000		APR
2016PRES-PREF-046	105669	JEAN M. KIES 5919 N Kent Ave Whitefish Bay, WI 53217-4615	Non-Partisan	9/18/2015	12/30/2015	12/30/2015	2000		APR
		Office Subtotal: 2							
Office:		MONROE COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Mark L. Goodman				
2016PRES-PREF-016	103273	MARK L. GOODMAN 1724 S Highland Dr Sparta, WI 54656-1538	Non-Partisan	12/7/2015	12/14/2015	12/21/2015	332		APR
		Office Subtotal: 1							
Office:		MONROE COUNTY CIRCUIT COURT JUDGE, BRANCH 3		Incumbent:	J. David Rice				
2016PRES-PREF-009	104852	J. DAVID RICE 311 E Franklin St Sparta, WI 54656-1806	Non-Partisan	11/27/2015	1/4/2016	12/18/2015	400		APR
		Office Subtotal: 1							
Office:		OCONTO COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Jay N. Conley				
2016PRES-PREF-059	102611	JAY CONLEY 116 Garden Ave Gillett, WI 54124-9410	Non-Partisan	11/16/2015	12/29/2015	12/29/2015	380		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		PIERCE COUNTY CIRCUIT COURT JUDGE		Incumbent:	Joe Boles				
2016PRES-PREF-006	104819	JOSEPH D. BOLES N8397 1251st St River Falls, WI 54022-4765	Non-Partisan	12/4/2015	1/4/2016	12/17/2015	201		APR
		Office Subtotal: 1							
Office:		PORTAGE COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Robert J. Shannon				
2016PRES-PREF-063	105672	TRISH BAKER 509 Linwood Ave Stevens Point, WI 54481-4426	Non-Partisan	1/4/2016		1/4/2016	365		PEND
2016PRES-PREF-035	102929	DAVID R. KNAAPEN 3197 Dans Dr Stevens Point, WI 54481-5425	Non-Partisan	12/28/2015		12/28/2015	400		PEND
2016PRES-PREF-038	105670	JARED REDFIELD 9616 Timberline Ct Amherst, WI 54406-8943	Non-Partisan	12/29/2015		12/29/2015	316		PEND
2016PRES-PREF-055	105701	ROBERT J. SHANNON 5540 Oakwood Ave Stevens Point, WI 54482-9164	Non-Partisan	12/17/2015	1/4/2016	1/4/2016	398		APR
		Office Subtotal: 4							
Office:		RACINE COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Eugene Gasioriewicz				
2016PRES-PREF-048	104824	EUGENE A. GASIORIEWICZ 3929 S Brook Rd Franksville, WI 53126-9303	Non-Partisan	12/30/2015	12/11/2015	12/30/2015	368		APR
		Office Subtotal: 1							
Office:		RACINE COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	John S. Jude (Filed Notification of Noncandidacy)				
2016PRES-PREF-045	102401	MARK NIELSEN 1838 Park Ave Racine, WI 53403-2763	Non-Partisan	11/27/2015	12/21/2015	12/30/2015	365		APR
2016PRES-PREF-056	105541	JOSEPH W. SEIFERT 2155 108th St Franksville, WI 53126-9706	Non-Partisan	12/28/2015	12/28/2015	1/4/2016	346		APR
		Office Subtotal: 2							

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		ROCK COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	Alan Bates				
2016PRES-PREF-033	104218	ALAN BATES 219 Jackman St Janesville, WI 53545-4028	Non-Partisan	12/16/2015	12/11/2015	12/28/2015	288		APR
		Office Subtotal: 1							
Office:		RUSK COUNTY CIRCUIT COURT JUDGE		Incumbent:	Steven P. Anderson				
2016PRES-PREF-042	104873	STEVEN P. ANDERSON 915 Bruno Ave Ladysmith, WI 54848-1409	Non-Partisan	11/19/2015	12/21/2015	12/30/2015	400		APR
2016PRES-PREF-054	105698	RICHARD J. SUMMERFIELD N6555 Kaiser Rd Hawkins, WI 54530-9558	Non-Partisan	12/2/2015	1/4/2016	1/4/2016	250		APR
		Office Subtotal: 2							
Office:		SAINT CROIX COUNTY CIRCUIT COURT JUDGE, BRANCH 4		Incumbent:	R. Michael Waterman				
2016PRES-PREF-014	105685	R. MICHAEL WATERMAN 1608 83Rd St New Richmond, WI 54017-6960	Non-Partisan	12/21/2015	12/21/2015	12/21/2015	382		APR
		Office Subtotal: 1							
Office:		SAUK COUNTY CIRCUIT COURT JUDGE, BRANCH 1		Incumbent:	Michael P. Screnock				
2016PRES-PREF-015	105692	MICHAEL SCRENOCK 1430 Amber Ct Reedsburg, WI 53959	Non-Partisan	12/21/2015	12/23/2015	12/21/2015	389		APR
		Office Subtotal: 1							
Office:		SAUK COUNTY CIRCUIT COURT JUDGE, BRANCH 2		Incumbent:	James Evenson (Filed Notification of Noncandidacy)				
2016PRES-PREF-019	105190	KEVIN R. CALKINS 844 Sequoia Cir Baraboo, WI 53913-1274	Non-Partisan	12/22/2015	12/22/2015	12/22/2015	371		APR
2016PRES-PREF-044	105699	WENDY J.N. KLICKO 500 4Th Ave Baraboo, WI 53913-2033	Non-Partisan	12/4/2015	12/30/2015	12/30/2015	367		APR
		Office Subtotal: 2							

Wisconsin Government Accountability Board

Candidates Registered by Office

2016 SPRING ELECTION AND PRESIDENTIAL PREFERENCE VOTE - 04/05/2016

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status	
								Primary	General
Office:		VILAS COUNTY CIRCUIT COURT JUDGE							
2016PRES-PREF-034	104220	NEAL A. NIELSEN III 2055 Harmony Lake Rd Eagle River, WI 54521-8891	Non-Partisan	12/28/2015	12/28/2015	12/28/2015	255		APR
		Office Subtotal: 1							
Office:		WALWORTH COUNTY CIRCUIT COURT JUDGE, BRANCH 2							
2016PRES-PREF-053	105668	DANIEL S. JOHNSON W5017 Paddock Dr Elkhorn, WI 53121-3107	Non-Partisan	8/31/2015		12/30/2015	279		PEND
2016PRES-PREF-008	104904	DAN NECCI 503 Jerome Ct Elkhorn, WI 53121-1683	Non-Partisan	12/18/2015	1/5/2016	12/18/2015	287		APR
2016PRES-PREF-030	105686	SHANNON WYNN Po Box 1301 Lake Geneva, WI 53147-6301	Non-Partisan	12/28/2015	12/28/2015	12/28/2015	400		APR
		Office Subtotal: 3							
Office:		WALWORTH COUNTY CIRCUIT COURT JUDGE, BRANCH 4							
2016PRES-PREF-041	104855	DAVID M. REDDY N7316 Lost Nation Rd Elkhorn, WI 53121-2637	Non-Partisan	12/3/2015	12/30/2015	12/30/2015	267		APR
		Office Subtotal: 1							
Office:		WINNEBAGO COUNTY CIRCUIT COURT JUDGE, BRANCH 3							
2016PRES-PREF-029	103552	BARBARA HART KEY 2925 E Pheasant Ct Oshkosh, WI 54904-6591	Non-Partisan	10/16/2015	12/14/2015	12/28/2015	344		APR
		Office Subtotal: 1							
Office:		WINNEBAGO COUNTY CIRCUIT COURT JUDGE, BRANCH 5							
2016PRES-PREF-050	103370	JOHN A. JORGENSEN 1665 Chatham Dr Oshkosh, WI 54904-8305	Non-Partisan	10/23/2015	12/10/2015	12/30/2015	349		APR
		Office Subtotal: 1							

Wisconsin Government Accountability Board

Candidates Registered by Office

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Ballot Status
								Primary General

Total Number of Candidates: 65

**Incumbents Who Have Filed a Notification of Noncandidacy (GAB-163)
for the April 5, 2016 Spring Election
(Due: Monday, December 28, 2015, 5:00 P.M.)**

FINAL

NAME	ID #	OFFICE	DATE FILED
Daniel L. Konkol	102436	Milwaukee County Circuit Court Judge, Branch 44	08/03/2015
C. William Foust	102526	Dane County Circuit Court Judge, Branch 14	9/10/2015
Dennis J. Mleziva	102773	Kewaunee County Circuit Court Judge	10/23/2015
Amy R. Smith	104833	Dane County Circuit Court Judge, Branch 4	10/26/2015
James Evenson	102044	Sauk County Circuit Court Judge, Branch 2	10/26/2015
John S. Jude	104199	Racine County Circuit Court Judge, Branch 4	10/28/2015
James L. Carlson	101132	Walworth County Circuit Court Judge, Branch 2	11/2/2015
Bill Dyke	103579	Iowa County Circuit Court Judge	11/16/2015
James P. Czajkowski	104868	Crawford County Circuit Court Judge	12/07/2015

State of Wisconsin \ Government Accountability Board

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Madison, WI 53707-7984
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<http://gab.wi.gov>



JUDGE GERALD C. NICHOL
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the January 12, 2016 Board Meeting

TO: Members, Government Accountability Board

FROM: Jonathan Becker, Administrator
Division of Ethics and Accountability

Prepared by Nate Judnic, Staff Counsel

SUBJECT: Segregated Funds Reporting

Since the Board's meeting on December 15, 2015, questions have been raised about the Board's decision not to require the reporting of contributions and disbursements to and from a political party's or legislative campaign committee's segregated fund. The establishment of the segregated fund by these entities as you recall is now authorized by Wis. Stat. § 11.1104(6). Included with this memorandum, are two documents received from legislative staff in the Senate Majority Leader's office. The first document is a memorandum addressed to the Senate Majority Leader from the legal section of the Legislative Reference Bureau, and the second is a memorandum addressed to interested parties on this topic, drafted by Attorneys Mike Wittenwyler and Jodi Jensen at the Godfrey & Kahn Law Firm in Madison.

Board staff agree with analysis contained in both of these memorandums, which conclude that the money contributed and disbursed from the segregated funds maintained by the political parties and legislative campaign committees are required to be reported under Wis. Stat. §§ 11.0304(1) and 11.040(1).

Staff requests the Board reconsider its December 15, 2015 decision on this issue. Additionally, the staff believes other options to accomplish the segregated fund reporting are likely feasible to avoid the need to 'register' this fund separately from the party or legislative campaign committee. Such options could however be less cost effective than the original staff recommendation.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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Madison, WI 53701-2037
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Reference Section: (608) 266-0341
Reference Fax: (608) 266-5648

January 8, 2016

MEMORANDUM

To: Senator Fitzgerald and Representative Vos

From: Joseph T. Kreye, Legal Services Manager

Subject: Corporate contributions to a segregated fund

This memorandum is in response to your question concerning advice recently issued by the Government Accountability Board. The board has advised interested parties that 2015 Wisconsin Act 117 does not require the reporting of corporate contributions to a segregated fund established by a political party or legislative campaign committee. The board also indicated that the board has no way to track such contributions unless the entities receiving the contributions choose to disclose them. The following is my response to the advice disseminated by the board.

Act 117 requires political parties and legislative campaign committees to report contributions. This includes contributions to segregated funds established by the parties and committees. The act also requires political parties and legislative campaign committees to register with the board. The act does not require the separate registration of a segregated fund because the fund itself is not an entity subject to registration. The board has the statutory authority under the act's registration and reporting requirements to require political parties and legislative campaign committees to specifically disclose the existence of, all contributions to, and all disbursements from segregated funds.

Section 11.1104 (6) of the statutes allows a political party or legislative campaign committee to establish a segregated fund to use for purposes other than making contributions to a candidate committee or making disbursements for express advocacy. Political parties and legislative campaign committees may accept contributions to their segregated funds in unlimited amounts, with one exception. A corporation, cooperative, labor organization, or tribe may make contributions totaling no more than \$12,000 each year to a segregated fund. Corporations, cooperatives, labor organizations, and tribes are prohibited from making any other contributions to political parties and legislative campaign committees.

Political parties and legislative campaign committees must register with the board. As part of the registration process, the parties and committees must disclose the name and address of their depository accounts and any other institution where their funds are kept. Furthermore, under sections 11.0304 and 11.0404 of the statutes each political party and legislative campaign committee must make full reports of all contributions received by the party or committee. The reports must

include the date and the name and street address of each person who has made a contribution. Corporations, cooperatives, labor organizations, and tribes are considered “persons” for campaign finance purposes. Contributions by corporations, cooperatives, labor organizations, and tribes are not excluded from the definition of “contribution” and are therefore subject to reporting.

Political parties and legislative campaign committees must also include in their reports an itemized statement of every disbursement exceeding \$20, together with the name of the person or business to whom the disbursement was made, and the date and specific purpose for which the disbursement was made. The political parties and legislative campaign committees will therefore be disclosing not only the contributions to the segregated funds, but also the disbursements from those funds.

Please contact me if you have any further questions or concerns.

MEMORANDUM

TO: Interested Parties

FROM: Mike Wittenwyler / Jodi Jensen
Godfrey & Kahn, S.C.

DATE: January 5, 2016

SUBJECT: Segregated Funds: Registration and Reporting

At its December 2015 meeting, the Government Accountability Board (the “G.A.B.”) rejected a staff recommendation to require political parties and legislative campaign committees to register segregated funds established under Wis. Stat. § 11.1104(6) and report contributions received and disbursements made. Such funds may not be formed for the purpose of making contributions to candidates or making disbursements for express advocacy. Board member concern about the staff recommendation was due to the new law’s lack of a specific registration requirement applicable to segregated funds. As a result of the Board’s decision, G.A.B. staff has advised political parties and legislative campaign committees that no registration or reporting requirements apply until the legislature acts or the G.A.B. decides to address the issue.¹

While chapter 11 does not directly require separate registration for the segregated funds, it does require reporting of contributions and disbursements. Political parties and legislative campaign committees must report “all contributions, disbursements, and obligations received, made or incurred.”² A segregated fund established under Wis. Stat. § 11.11.04(6) is an account of a political party or legislative campaign committee and not a separate legal entity or committee. The question is not *whether* contributions, disbursements and obligations must be reported, it is *how* they are reported. Based on the plain language of chapter 11, political parties and legislative campaign committees should keep detailed records of all contributions received and disbursements made by a segregated fund since their disclosure is required. If the G.A.B. declines to reconsider the issue, it is possible the Ethics Commission will clarify the reporting requirements once formed³ or that an interested party will file a complaint pushing the G.A.B. to revisit the issue.

CHAPTER 11 REGULATION OF SEGREGATED FUNDS

Chapter 11 requirements, restrictions and prohibitions apply to a segregated fund since it is an account established by a regulated committee.⁴ The legislature, by authorizing segregated funds and then subsequently exempting them from specific Chapter 11 provisions, made clear that all other provisions continue to apply.

The legislature established two specific exemptions applicable to segregated funds. Neither exemption relieves political parties or legislative campaign committees of its duty to report contributions and disbursements. First,

¹ G.A.B. staff has confirmed this position to us by e-mail.

² Wis. Stat. §§ 11.0304(1), 11.0404(1).

³ Effective July 1, 2016, the G.A.B. will be replaced with the Ethics Commission and Elections Commission as required by 2015 Wisconsin Act 118. The Ethics Commission will oversee campaign finance activity.

⁴ Wis. Stat. § 11.0101(19), (26).

source restrictions do not apply to contributions to segregated funds. That is, these segregated funds may receive contributions from corporations, cooperatives, unincorporated associations, labor organizations and Indian tribes of up to \$12,000 annually.⁵ Second, limits on political action committee (“PAC”) contribution to political parties and legislative campaign committees do not apply. PACs may make unlimited contributions to segregated funds while they may contribute only \$12,000 annually to a political party or legislative campaign committee.⁶

Combined with the exemption from source restrictions is an annual \$12,000 limit on contributions from corporations cooperatives, unincorporated associations, labor organizations and Indian tribes. Since these contributors are not regulated committees, Chapter 11 does not require them to register or report their contributions. Accordingly, campaign finance regulators can enforce this annual limit only by reviewing the contributions to segregated funds reported by a political party or legislative campaign committee.

POLITICAL PARTY REPORTING EXEMPTIONS

Chapter 11 provides a specific state registration and reporting exemption for the federal accounts (referred to as “federal account committees” in chapter 11) of political parties.⁷ Under federal law, state political parties may establish separate accounts to fund federal campaign activity provided they register with the Federal Election Commission (“FEC”) and report contributions and expenditures.

Since federal account committees are subject to federal regulation, state registration and reporting is unnecessary. In contrast, the activity of segregated funds established by a regulated committee under Wis. Stat. § 11.1104(6) is not reported to the FEC. And, the legislature did not extend this federal account registration and reporting exemption to segregated funds.

CONCLUSION

Chapter 11 requires political parties and legislative campaign committees to report all contributions, disbursements and obligations received, made or incurred. While the federal accounts of political parties are expressly exempted from these requirements, no other political party or legislative campaign committee accounts or segregated funds are exempted. Furthermore, the legislature’s intent is clear that by exempting segregated funds from specific chapter 11 provisions, it intended that all other provision continue to apply. Accordingly, the new law is clear that political parties and legislative campaign committees must report all contributions, disbursements and obligations of a segregated fund established under Wis. Stat. § 11.1104(6).

Pease let us know if we can provide additional information.

15037333.1

⁵ Wis. Stat. § 11.1112.

⁶ Wis. Stat. § 11.1104(3), (4), (6).

⁷ Wis. Stat. §§ 11.0101(12), 11.0107.